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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE LEE
Commissioner

DR. JOE MARSHALL
Commissioner

THERESA SPARKS
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

SF
P45
#1
7/4/07
cancelled

The Commission will not meet on Wednesday, JULY 4, 2007.

Please join the Commission at its next meeting on Wednesday, July 11, 2007, at 5:30 p.m., in Room 400, at City Hall.

2:40 p.m. nst
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Please join the Commission at its next meeting on Wednesday, July 11, 2007, at 5:30 p.m., in Room 400, at City Hall.

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Mission District, at John O'Connell High School, 2355 Folsom Street, San Francisco, at 6:00 p.m., on Wednesday, July 18, 2007, to hear comments from the public and Mission Station Captain John Goldberg concerning public protections issues in the Mission District.

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SF
P45
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7/11/07

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 11, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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(CLOSED SESSION)
Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session (DISCUSSION ONLY)

   a. Pursuant to Government Code section 54957.9 and San Francisco Administrative Code Section 67.10(d):
   CONFERENCE WITH LEGAL COUNSEL: Pending Litigation
   Cohen v. CCSF, Superior Court. No. CPF-06-506056; S.F. Court of Appeal No. A114661, (filed 02/09/06)

   b. Pursuant to Government Code section 54957.9 and San Francisco Administrative Code Section 67.10(d):
   CONFERENCE WITH LEGAL COUNSEL: Pending Litigation
   Harmston et. al. v. CCSF, United States District Court Northern District C07-01186SI

OPEN SESSION
Pledge of Allegiance; Roll Call,

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 11, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities
   c. Mid Year Homicide Overview
   d. Presentation of the 2nd Quarter 2007 Officer-Involved Discharge Report
   e. Presentation of Officer-Involved Shooting Investigation Status Summary

7. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on current OCC cases and OCC investigators' caseload
   c. Presentation of 2nd Quarter 2007 Statistical Report

8. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

9. Discussion and possible action to adopt a Police Commission Resolution urging the Board of Supervisors to approve proposed Charter Amendment to extend Chief of Police disciplinary authority to 45 days (ACTION ITEM)

10. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

11. Discussion and possible action to set the locations of future District Commission Meetings (ACTION ITEM)

12. Discussion regarding possible adoption of a resolution supporting the First Amendment rights of New Media (DISCUSSION ONLY)

13. Approval of minutes for the meetings of June 6th, 13th, and 20, 2007 (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 11, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

14. Commission Announcements (DISCUSSION ONLY)
    a. Assignment of disciplinary case no. C07-081 ALW to an individual Commissioner for taking of evidence on a date to be determined by the Commissioner

15. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

16. Adjournment

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Mission District, at John O'Connell High School, 2355 Folsom Street, San Francisco, at 6:00 p.m., on Wednesday, July 18, 2007, to hear comments from the public and Mission Station Captain John Goldberg concerning public protections issues in the Mission District.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 18, 2007
5:00 p.m.

SF
P45
#1
7/18/07

MISSION DISTRICT
JOHN O'CONNELL HIGH SCHOOL
2355 Folsom Street
(Between 19th and 20th Street)
San Francisco, California

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PLEASE NOTE EARLY START TIME

CLOSED SESSION
Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Disciplinary Hearing on administration of Commission orders in File Nos. C04-120 JWF and C04-121 JWF (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) (6:00 p.m.)
Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities

6. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

7. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 18, 2007
5:00 p.m.

MISSION DISTRICT
JOHN O'CONNELL HIGH SCHOOL
2355 Folsom Street
(Between 19th and 20th Street)
San Francisco, California

8. Captain John Goldberg, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION ONLY)

9. Public Comment
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10. Approval of the minutes for the meeting of June 27, 2007 (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

12. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

13. Adjournment (ACTION ITEM)

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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The proceeding will be held at: John O'Connell High School, 2355 Folsom Street

Accessible MUNI lines serving this location is: 5 Folsom
For information about MUNI service call 923 6142

The closest BART Station is: _____

Accessible parking Schoolyard on Harrison Street

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

San Francisco Police Commission

Meeting in the Mission District

Come and meet your Police Commissioners! This is an opportunity for citizens of the Mission District to address the Police Commission on matters of interest and concern.

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Hosted by:	Mission Police Station
Where:	John O'Connell High School 2355 Folsom St. (Between 19th and 20th St.)
When:	Wednesday, July 18, 2007 at 6 PM

- Free parking available in the schoolyard on Harrison St.
- An accessible entrance is located next to the parking lot.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 18, 2007
5:00 p.m.

MISSION DISTRICT
JOHN O'CONNELL HIGH SCHOOL
2355 Folsom Street
(Between 19th and 20th Street)
San Francisco, California

PLEASE NOTE EARLY START TIME

CLOSED SESSION
Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Disciplinary Hearing on administration of Commission orders in File Nos. C04-120 JWF and C04-121 JWF (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) (6:00 p.m.)
Pledge of Allegiance; Roll Call

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5. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities

6. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

7. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

F
245
#1
7/25/07
cancelled

The Commission will not meet on Wednesday, JULY 25, 2007.

Please join the Commission at its next meeting on Wednesday, AUGUST 1, 2007, at 5:30 p.m., in Room 400, at City Hall.

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JUL 20 2007

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JULY 11, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:47 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, Lee, Veronese
ABSENT: Commissioner DeJesus

(Commissioner Veronese arrived at 6:36 p.m.)

PUBLIC COMMENT

Taken out of order.

Mark Solomon discussed concerns regarding the Josh Wolf matter.

Francisco Decosta congratulated the new Chair of the Commission and discussed quality of life issues

Tim Cross discussed concerns regarding the police interaction with the Federal Government.

Unidentified read a letter to the Chronicle's editor regarding Josh Wolf matter.

Espinola Jackson, Hunter's Point resident, discussed concerns regarding police lab on the shipyard.

John Valeto discussed concerns regarding priority of the city.

Gabriel Myers discussed being arrested at the G8 Summit and discussed concerns regarding actions by policy.

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7/11/07

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DISCUSSION REGARDING POSSIBLE ADOPTION OF A RESOLUTION SUPPORTING THE FIRST AMENDMENT RIGHTS OF NEW MEDIA

Taken out of order.

Commissioner Campos discussed his concerns regarding how the Department interact with the Federal Government. He stated that he hopes to hear from Mr. Wolf and people from the community with the hope that the Department will listen and then come back to the Commission and provide the Commission regarding protocols, regulations, procedures followed so that the Commission will have a better understanding.

Josh Wolf addressed the Commission.

Chief Fong stated that she would like to have a presentation, on behalf of the Department, in terms of the actions of the Department because there are specific provisions and Chief Fong stated that some of the information that has been represented is not quite consistent with the protocol of the Department and would like to have the presentation for the Commission and the public to be aware of the practices and the policies in which the Department move from city level to the Federal level.

Commissioner Sparks asked that this item be agendized for the second meeting in August. Commissioner Sparks also would like to have a general discussion on the media DGO and new media issues.

PUBLIC COMMENT

Joe asked that when the Chief makes her presentation to have the Attorney General's office be part of the presentation.

Julian Davis, Free Josh Wolf Coalition, discussed concerns regarding the Josh Wolf matter.

Unidentified discussed concerns regarding the Josh Wolf matter.

Tammy Bryan stated that it is very important to pass the resolution regarding new media and talked about media press passes.

Unidentified discussed concerns regarding the incident.

CHIEF'S REPORT

a. **Update on significant policing efforts by Department members**
b. **Review of Recent Activities**
c. **Mid Year Homicide Overview**
d. **Presentation of the 2nd Quarter 2007 Officer-Involved Discharge Report** (continued to August 1st)
e. **Presentation of Officer-Involved Shooting Investigation Status Summary** (continued to August 1st)

Chief Fong introduced the Mayor's Chief of Staff and talked about the All-Star Game.

Mr. Phil Ginsberg, Mayor's Chief of Staff, thanked the Commission and the Department for their support during the All Star Game event and introduced Kevin Hallinan, Sr. Vice President for Major League Baseball, who addressed the Commission and thanked the City of San Francisco and the Police Department for their commitment and thanked Chief Fong for all that was accomplished.

Commissioner Sparks thanked Mr. Hallinan for his comments and thanked Major League Baseball for honoring San Francisco in hosting the events.

Commissioner Marshall thanked the Chief and the members of the Department for a great job.

Chief Fong commended Commander Tacchini, Captain O'Leary and Lieutenant McEachern for their hard work.

Chief Fong updated the Commission on recent activities during the 4th of July weekend. Chief Fong also updated the Commission on items of legislation that are pending at the Board or in process that could ultimately have an impact on the Department.

Commissioner Sparks talked about the Civil Grand Jury Report and stated that Commissioner Campos will be drafting a response.

MID YEAR HOMICIDE OVERVIEW

Lieutenant Murphy, Homicide Detail, presented the Mid Year Homicide Overview.

Commissioner Sparks suggested taking a break so that copies of the report can be produced and that the Commission will go back to the Homicide Report after Closed Session.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Marshall. Approved 5-0.

CLOSED SESSION (7:12 p.m. to 8:09 p.m)

a. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Cohen v. CCSF, Superior Court No. CPF-06-506056;S.F. Court of Appeal No. A114661 (filed /02/09/06)**

b. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Harmston et. al. v. CCSF, United District Court Northern District C07-01186SI**

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Lee for non disclosure. Approved 5-0.

CHIEF'S REPORT continued:

Mid Year Homicide Overview

Lieutenant Murphy, Homicide Detail, continued with his presentation and copies of the report were given to the Commissioners.

Chief Fong explained that the officers can't stop everything from happening because there can't be an officer on every block but the officers are out there. They prevented incident but once arrests occur, the Department need's to make sure that those individuals do not go back to the community and that's where the Department has to work closely with the prosecutors, the probation department and when people are released from the courts under certain conditions, they need to be held responsible for those conditions.

Commissioner Sparks announced that starting in August, there will be quarterly report of crime trends by neighborhoods. Commissioner Sparks stated that the Department has come up with either 66 or 86 neighborhoods, depending on what map is used.

Chief Fong explained that the District Captains have been, after a homicide, a flyer is put together that reports to the community that an incident occurred and that if they have any information, to call the confidential tip line and that they don't have to identify themselves. The Chief stated that the more witnesses, the more information the Department has and the more chance of solving the case.

Commissioner Veronese stated that a plan is needed to stop the shootings.

Commissioner Lee asked if the Chief will be permanently expanding the Gang Task Force. The Chief explained that the the Department, since 2004, has increased both the Homicide Section as well as the Gang Task Force. The Chief stated that the Department has plans to add additional staff to the Homicide Section and there will be 20 additional officers being assigned to the Gang Task Force.

Chief Fong also stated that to have a representation that there is no plan is extremely flawed because the Department has had a strategy since 2004 and constantly developing things, developing initiatives, and building on it. The Chief stated that for this summer the Department has a plan in which the other criminal justice partners are included, Juvenile Probation is included and has made a commitment to staff juvenile probation officers in several of the district stations, it includes the Adult Probation Department. The Chief stated that the Department is not doing it on its own. There are partnerships and there are

commitments that have been made. The Chief stated that the Sheriff's Department has agreed to continue picking up prisoners for the officers of the Department. The Chief also stated that she has met with the District Attorney's Office so that they have points of contact so as arrests are being made, cases are being developed, the Department will talk with those District Attorney staff so that the cases will be in order to lead to a prosecutable case. In addition to that, the Department has met with State DOJ in terms of some long term initiatives that they can institute. The Department has met with the Federal colleagues and there are initiatives that are being worked on there in addition to the civil gang injunctions. The Chief stated that it is the police work that happens that gets intertwined together that the City Attorney can work with the Department and move forward on those civil gang injunctions.

Commissioner Sparks stated that the numbers in the Tenderloin, South of Market, and inner Mission, it is staggering and it seems like narcotic activities is some of the root or causes of some of the violence. Commissioner Sparks stated that it is frustrating that there isn't a strategy that can address the problem.

Chief Fong stated that there is a strategy where the Department does buy/bust operations and warrants were issued. The Department is doing operations and there are a number of initiatives happening in these areas. The Chief stated that the overall system has to work together and there has to be a commitment to stop these type of activities.

Deputy Chief Tabak stated that any strategy is a work in progress and that there is no magic solution to any given problem. There is always room for improvement. Chief Tabak stated that the success is a result of a very creative, aggressive deployment strategy of resources by the Department. Chief Tabak went on to explain some of the statistics in regards to homicides.

Commissioner Marshall stated that the community expresses helplessness and hopelessness.

Deputy Chief Tabak addressed the Commission regarding the incident involving Officer Peter Shields. Chief Tabak stated: "The incident involving Peter Shields, Officer Peter Shields, was an attempted homicide. It needs to be balanced. It needs to be – the perspective needs to actually, accurately represent what occurred. Officer Shields was not injured. Officer Shields almost died. I visited Officer Shields in ICU on life support and again, I visited Officer Shields at home when he was recuperating with his family. It took him a year to come back to work. We're lucky that Peter Shields is with us today and through his courage and great medical care, he is lucky that he did not die or become a vegetable. So we need to be fair to what happened to Peter Shields and I need to say that on behalf of every men and women of this Department. Peter Shields almost died doing his job. The job that we have trained him to do. The job that we've asked him to do, and the job that San Francisco citizens expect him to do. What happened after that, obviously the answers will come in the future but I need to say that because that was kind of glossed over and out of respect to Peter and his family, I just want to end on that note, and I don't expect any comment."

PUBLIC COMMENT

Sharon Hewitt stated that this is not a hopeless issue and discussed concerns regarding the homicides and mental health issues.

Greg Gordon, Juvenile Probation Officer, discussed events at Ella Hill Hutch and stated concerns that there was no media attention for something positive.

APPROVAL OF MINUTES FOR THE MEETINGS OF JUNE 6th, 13th, AND 20, 2007

Motion by Commissioner Lee, second by Commissioner Campos. Approved 4-0.

Commissioner Sparks stated that it is getting late and will put the rest of the agenda over to the following regular meeting.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A POLICE COMMISSION RESOLUTION URGING THE BOARD OF SUPERVISORS TO APPROVE PROPOSED CHARTER AMENDMENT TO EXTEND CHIEF OF POLICE DISCIPLINARY AUTHORITY TO 45 DAYS

Commissioner Sparks announced that Supervisor Eslbernd has taken this item off the committee's agenda and withdrew for the time being his proposal for the Charter amendment and will not be on the ballot this year. This item will be continued to the call of the Chair.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner Sparks stated that she and the Chief had discussions with the President of the Civil Service Commission regarding the Civil Service Commission issuing awards to police officers and she stated that her recommendations is to exclude police officers because of the problem of potential disciplinary actions that are ongoing that cannot be disclosed to the Civil Service Commission during their deliberations on recommendations for commendations.

Commissioner Sparks also announced that she talked to the President of Juvenile Probation Commission Jim Quinn and he has requested that a joint commission meeting be scheduled . Commissioner Sparks also stated that she will try to get in touch with the Immigrant Rights and the Public Health Commission to try to schedule a meeting with them when the Commission considers the limited English access general order.

Commissioner Sparks that she will put out the final press release tomorrow on the subcommittee on violent crimes. Commissioner Marshall will be scheduling public townhall-style meetings that will be noticed to the public in various affected neighborhoods around the city to get comments from the community.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Status Report on current OCC cases and OCC investigators' caseload

c. Presentation of 2nd Quarter 2007 Statistical Report

Continued.

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICY PROPOSALS (SPARKS RESOLUTION)

Continued.

DISCUSSION AND POSSIBLE ACTION TO SET THE LOCATIONS OF FUTURE DISTRICT COMMISSION MEETINGS

Continued.

COMMISSION ANNOUNCEMENTS

a. **Assignment of disciplinary case no. C07-081 ALW to an individual Commissioner for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Veronese, Resolution No. 66-07)

The Commission will hold its Community Meeting in the Mission District at John O'Connell High School, 2355 Folsom Street, at 6:00 p.m., on Wednesday, July 18th.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner Marshall. Approved 4-0.

Thereafter, the meeting was adjourned at 9:46 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

Police Department

TEXT ONLY:

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TEXT SIZE:

July 18, 2007

Police Commissions

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SAN FRANCISCO POLICE COMMISSION

Regular Meeting

Wednesday, July 18, 2007

Mission District
John O'Connell High School
2355 Folsom Street

between 19th and 20th Sts.

San Francisco, California

Closed Session 5:00 PM

Open Session 6:00 PM

Theresa Sparks President

Dr. Joe Marshall
Vice President

David Campos Commissioner

Petra DeJesus Commissioner

Yvonne Lee
Commissioner

Joe Veronese Commissioner

Sgt. Joe Reilly
Secretary

PLEASE NOTE EARLY START TIME

CLOSED SESSION

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

   PERSONNEL EXCEPTION: Disciplinary Hearing on administration of Commission orders in File Nos. C04-120 JWF and C04-121 JWF (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) (6:00 p.m.)

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities

6. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

7. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

8. Captain John Goldberg, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION ONLY)

9. Public Comment

(Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

10. Approval of the minutes for the meeting of June 27, 2007 (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

12. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

13. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and representatives of organizations.

(The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; FAX (415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained

from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements:

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website www.sfgov.org/ethics.

JULY 18, 2007 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Mission District, at John O'Connell High School, 2355 Folsom Street, at 5:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Veronese

(Commissioner Veronese arrived at 5:46 p.m. Commissioner Marshall arrived at 6:12 p.m.)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner DeJesus. Approved 6-0.

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CLOSED SESSION (5:41 p.m.)

PERSONNEL EXCEPTION: Disciplinary Hearing on administration of Commission orders in File Nos. C04-120 JWF and C04-121 JWF

PRESENT: Commissioners Sparks, Campos, Lee, DeJesus

OPEN SESSION (6:37 p.m.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Veronese for non disclosure. Approved 6-0.

Commissioner Sparks asked the Commissioners to introduce themselves.

Supervisor Ammiano welcomed the Commission to the Mission District and expressed concerns in spike in homicides in the District. Supervisor Ammiano also commended the officers of the Mission District for their involvement with the community.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Review of Recent Activities

Chief Fong welcomed the audience and thanked Captain Goldberg for hosting the meeting. Chief Fong addressed the staffing issue and stated that there is currently 191 recruit officers in the Academy. Chief Fong introduced the Command Staff that are present. Present are Deputy Chief Craig, Deputy Chief Keohane, Commander Lynch, Commander Tacchini, and introduced Captain Jimenez of Tenderloin, and Lieutenants Oberzier and Pengel of the Mission Station.

Commissioner Sparks asked what is the current uniform staffing of the department. Chief Fong stated that the current uniform staffing level is in the low 1800s and stated that the Department will be close to the 1971 level in

about two years.

PUBLIC COMMENT

Unidentified discussed concerns regarding psychological profiling of recruits.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Acting OCC Director, talked about the responsibilities of the OCC.

PUBLIC COMMENT

Unidentified discussed concerns.

COMMISSION REPORT

a. Commission President's Report

b. Commissioners' Report

None

CAPTAIN JOHN GOLDBERG, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Goldberg addressed the Commission on police activities in the Mission District. Captain Goldberg thanked the school district for the use of their facilities. Captain Goldberg talked about the demographics of the Mission Station and the Mission District.

PUBLIC COMMENT

Andre, Western Addition, commended Captain Goldberg and would like a copy of the Captain's presentation.

Tammy, Castro resident, Housing Rights Committee, asked for outreach workers and trained social workers for the homeless in the Mission.

Anita Margrill thanked Sgt. Gray and Captain Goldberg for turning their resident back to being residential again.

Jeanette Berger stated that it is not the police's job to raise children and stated that parents should step up and raise their own children.

Mindy Kirshner, Mission resident, discussed concerns regarding graffiti.

Rita Alviar, Mission resident for 47 years, asked for beat officers on a regular basis.

Eric Arguello, Mission resident, asked for more beat officers.

Dave Kaplan thanked Captain Goldberg for attending the meetings and discussed concerns regarding alcohol.

Karen Horning, former Mission resident, discussed concerns regarding gangs and violence in the Mission.

Maria, through translator, discussed concerns regarding calling 911 and getting no response and being transferred by the 911 operator.

Barry Toronto, Cab driver, discussed concerns regarding Julian Hill and asked that officers be trained regarding illegal taxis and limousines.

Jeff Adachi, Public Defender, expressed concerns regarding gang injunctions. Mr. Adachi stated that there should be public information regarding injunctions and there should be public notice so that the community understands what injunctions are.

Commissioner Sparks asked Mr. Adachi if he is willing to participate in a meeting with the Commission's subcommittee to get community input on this issue. Mr. Adachi stated he is willing to participate.

Jeff, Guerrero Neighborhood Watch Program, thanked Captain

Goldberg and his staff for their work in the neighborhood and asked for continued support from the Department.

Unidentified responded to letter read by Captain Goldberg and stated that he, too, was involved in an accident but fortunately he was not hurt but stated that the police did not respond because there was no one hurt and discussed concerns about the police not taking the extra step in running the license which could have resulted in taking a two-time DUI offender, with a suspended license, off the street.

Ken discussed concerns regarding social sludge.

Neva, 25th & Alabama, discussed concerns regarding drug sales in the neighborhood.

Dora Jones stated that she is a target by law enforcement in San Francisco.

Chief Fong talked about psychological testing of officers and stated that the Department are hiring more officers but have not reduced the standards of officers hired. Chief Fong also stated that the budget does include funding to hire five new academy classes which is 250 new officers and it includes 60 plus civilian new hires.

Commissioner Campos asked about police on 24th Street and what is the protocol for officers as they are walking the beats. Captain Goldberg stated that 24th Street is a mandated beat for the swing watch. Captain Goldberg stated that the focus is at night time because of gang activity, business are closing for the evening, and bar and restaurants are open. The captain stated that additional officers are added as needed but due to staffing, he is not able to put regular officers who will walk the beat in a regular basis to get to know the neighborhood.

Commissioner Campos asked about training for officers when dealing with tenants. Chief Fong stated that the area of landlord/tenant disputes is covered in the Academy as well as in continued professional training.

Commissioner Veronese discussed homicides near the station. Captain Goldberg stated that there are beat officers at 16th and Mission and stated that the problems at 24th and Mission are more serious in the night time.

Chief Fong introduced two representatives of the Public Safety Strategy Group. This group is doing the study in regards to foot patrol and district boundaries study.

APPROVAL OF THE MINUTES FOR THE MEETING OF JUNE 27, 2007

Motion by Commissioner DeJesus, second by Commissioner Lee. Minutes approved 6-0.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that there is no meeting next Wednesday due to the Law Enforcement Appreciation Night at AT&T Park.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Lee. Approved 6-0.

Thereafter, the meeting was adjourned at 8:48 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE LEE
Commissioner

DR. JOE MARSHALL
Commissioner

THERESA SPARKS
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

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POLICE COMMISSION NOTICE OF SPECIAL MEETING

Thursday, July 26 and Friday, July 27, 2007

The Commission will meet both days beginning at 1:00 p.m. at the

Commission Office, Room 505
Hall of Justice
850 Bryant St.,
San Francisco, 94103

for the purpose of considering the appointment of a Director of the Office of Citizen Complaints.

As a personnel matter, the Commission's deliberations will be conducted in closed session pursuant to Administrative Code Section 67.10(b) and Government Code 54957(b)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
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Commissioner

DR. JOE MARSHALL
Commissioner

THERESA SPARKS
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

SPECIAL MEETING
THURSDAY, JULY 26, 2007 AND FRIDAY, JULY 27, 2007
1:00 p.m.

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

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special

(CLOSED SESSION)

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Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   a. Pursuant to Government Code section 54957(b) and San Francisco Administrative Code Section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Director of the Office of Citizen Complaints

4. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b). (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

6. Adjournment

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE LEE
Commissioner

DR. JOE MARSHALL
Commissioner

THERESA SPARKS
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 1, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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(CLOSED SESSION)
Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session (DISCUSSION ONLY)

   a. Pursuant to Government Code section 54957.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL: Pending Litigation
   Theodore Tarver, Jr. V. CCSF, San Francisco Superior Court Case No. 401499
   First District Appellate Court Case Nos. A114922, A115181, A116731
   City Attorney File No. 030152

OPEN SESSION
Pledge of Allegiance; Roll Call,

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

6. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Theodore Tarver, Jr. V. CCSF, San Francisco Superior Court Case No. 401499
   First District Appellate Court Case Nos. A114922, A115181, A116731
   City Attorney File No. 030152

The Police Commission

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Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 1, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities
   c. Presentation of the 2nd Quarter 2007 Firearm Discharge Review Board Report
   d. Presentation of Officer-Involved Shooting Investigation Status Summary
   e. Presentation of the Violent Crime Trend Reporting & Specific Crime Data for the Mission District

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on current OCC cases and OCC investigators' caseload (Keane Report)
   c. Presentation of 2nd Quarter 2007 Statistical Report
   d. Presentation of 2nd Quarter 2007 Early Warning System Report

9. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

10. Discussion and possible action to adopt revised Department General Order 5.04, "Arrests by Private Persons" (ACTION ITEM)

11. Discussion and possible action to set the locations of future District Commission Meetings (ACTION ITEM)

12. Commission Announcements (DISCUSSION ONLY)

13. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

14. Adjournment

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

AUGUST 1, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:47 p.m.

PRESENT: Commissioners Sparks, Marshall, Campos, Lee, Veronese
ABSENT: Commissioner DeJesus

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Kathryn Cox, attorney involved in the Tarver matter, explained frustration in the delay and asked that the Commission asked the Supervisors to approve the matter.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Campos. Approved 5-0.

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CLOSED SESSION (5:55 p.m.)

CONFERENCE WITH LEGAL COUNSEL: Pending Litigation
Theodore Tarver, Jr., v. CCSF, San Francisco Superior Court Case No. 401499 First District Appellate Court Case Nos. A114922, A115181, A116731

OPEN SESSION (6:22 p.m.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Veronese for non disclosure. Approved 5-0.

PUBLIC COMMENT

Inspector Frank Lee, Sexual Assault Detail, presented Commissioners with a package in regards to homicide selection process and stated that he has filed a grievance. Inspector Lee suggested that there be a civilian present during the interview process and have the interview tape recorded.

Unidentified discussed concerns.

Terry Jarquin Rowl discussed concerns regarding police following her.

Richard Hendricks discussed concerns regarding being robbed and calling 911 and not getting the police to respond. He complained about actions and behavior of officers. Commissioner Sparks asked that Mr. Hendricks speak with Chief Shinn.

Commissioner Veronese asked that Mr. Hendricks update the Commission on his experience with the Department.

APPROVAL OF CONSENT CALENDAR

a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:**
Theodore Tarver, Jr., v. CCSF, San Francisco Superior Court Case No. 401499 First District Appellate Court Case Nos. A114922, A115181, A116731

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Motion by Commissioner Marshall, second by Commissioner Campos. Approved 4-0.

RESOLUTION NO. 67-07

THEODORE TARVER, JR., v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Theodore Tarver, Jr. v. CCSF," (attorney's fees for Kathyrn Cox) in San Francisco Superior Court Case No. 401499, First District Appellate Court Case Nos. A114922, A115181, A116731, be, and the same is hereby approved.

Date of Incident: January 2002-September 2002

AYES: Commissioners Sparks, Marshall, Campos, Lee
NAYS: Commissioner Veronese
ABSENT: Commissioner DeJesus

PUBLIC COMMENT
None

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Review of Recent Activities
c. Presentation of the 2nd Quarter 2007 Firearm Discharged Review Board Report
d. Presentation of Officer-Involved Shooting Investigation Status Summary
e. Presentation of the Violent Crime Trend Reporting & Specific Crime Data for the Mission District

Chief Fong talked about the press conference where the Mayor announced an initiative that the Department was involved in. The Chief talked about the Gifts for Guns initiative where the Department was able to recover 119 firearms in just one day. The Chief stated that the gifts were Mastercard/Visa cash cards or grocery store gift cards worth either $100 or $200 depending on the gun that was turned in.

Commissioner Sparks asked what does that Department do with the guns that were turned in. Chief Fong explained that serial numbers are ran to see if it is a stolen firearm. If it is a stolen firearm, the owner will be notified. The Department also do ballistics testing to see if the weapon was involved in any incidents that has occurred. When all of that is completed, the firearms are destroyed.

The Chief also talked about three pieces of legislation that were signed by the Board: (1) That there can be no sales of firearm in San Francisco unless from an authorized dealer; (2) That anyone who is dealing in firearms must, every six months, produce and provide inventory to the Department; (3) That anyone with a firearm must secure it in a container in the house to prevent it from being used accidentally or from being stolen.

Commissioner Campos asked regarding training for officers in regards to landlord/tenant issues and stated that he is in contact with Deputy Chief Shinn in regards to this issue. Commissioner Campos also requested a presentation in regards to SROs.

Chief Fong announced that Monday, the lateral academy started. The lateral program is 8 weeks then they go to the FTO program. Chief Fong also announced that Tuesday is National Night Out.

Chief Fong talked about the good work by officers from the Richmond Southern, Central, and the Fraud Detail in regards to bank fraud where the loss was $62,000 at that one incident. The suspect was taken into custody where $90,000 in cash was recovered from the suspect's car, and over $100,000 in cash was recovered from the suspect's hotel room. Chief Fong stated that the suspects were involved in incidents in Southern California where they have stolen $1.3 million in the same method. Chief Fong commended all the officers involved.

Deputy Chief Keohane presented the 2nd Quarter 2007 Firearm Discharge Review Board report.

Deputy Chief Keohane introduced Sgt. Joseph McFadden who presented the Officer-Involved Shooting Investigation Status Summary.

Commissioner Sparks asked if there is a time frame for cases that will be closed. Sgt. McFadden stated that the summary reports takes time and then submitted to the Chief for review.

Commissioner Sparks commended the Department for getting this report done and thanked the Chief for presenting this report in a quarterly basis.

Chief Fong talked about statistics regarding violent crime trends and specific crime data for the Mission District.

Commissioner Campos asked how numbers compared per capita. Chief Fong stated that the number can be produced and then the data can be analyzed. Commissioner Campos stated that it would be nice to have the Captain of the district present for the meeting and expressed concerns that the level of investment seem disproportionate between the Mission and the Upper Market/Castro neighborhood.

Commissioner Marshall is pleased with the report.

Commissioner Lee stated that she would like the public spaces highlighted like schools, Bart Stations et cetera.

Commissioner Sparks thanked Deputy Chief Keohane for all the work done on this report and commended the Chief for following through with this report.

Commissioner Sparks talked about an article in regards to the Marina District and asked the Chief to respond to that. Chief Fong stated that there was an email disseminated which provide erroneous information in regards to robberies. Chief Fong stated that there were 11 robberies in the course of three months and those robberies happened after 11 p.m. and 3:30 a.m. Chief Fong stated that there was an allegation that the Chief ordered officers out of the Marina and the Chief stated that there is no merit to that. The Chief stated that she has sent email out, along with Lt. Loftus of the Robbery Section, to correct the information.

Commissioner Veronese stated that he thinks that the misinformation was a result of no information from the Department. Commissioner Veronese also talked about resource allocation within the district.

PUBLIC COMMENT

Unidentified discussed concerns.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Status Report on current OCC cases and OCC investigators'

caseload (Keane Report)

c. Presentation of 2nd Quarter 2007 Statistical Report

d. Presentation of 2nd Quarter 2007 Early Warning System Report

Ms. Jean Field, Interim OCC Director, presented the 2nd Quarter 2007 Statistical Report, the 2nd Quarter 2007 Early Warning System Report, and the Keane Report. Ms. Field also stated that move is now scheduled for September 22nd. The new address will be 25 Van Ness Avenue, (415) 241-7711.

Commissioner Lee asked why in April 2007 the number of open cases doubled. Ms. Field stated that that was the month when the Department started forwarding cases from civil claims.

PUBLIC COMMENT

Unidentified discussed concerns.

COMMISSIONER REPORTS

a. Commissioner President's Report

b. Commissioners' Reports

Commissioner Sparks stated that she met with Leonore Anderson, MOCJ, and stated that Ms. Anderson has offered to come before the Commission and give an update to the Commission. Commissioner Sparks also announced that interviews for OCC Director was conducted and the process is continuing.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.04, "ARRESTS BY PRIVATE PERSONS"

Officer Jack Hart, Legal, presented DGO 5.04, "Arrests by Private Persons."

Motion by Commissioner Lee, second by Commissioner Marshall to adopt DGO 5.04. Approved 5-0.

PUBLIC COMMENT

Unidentified discussed concerns.

RESOLUTION NO. 68-07

(draft of 7/5/07)

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 5.04, "ARRESTS BY PRIVATE PERSONS"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 5.04, "Arrests by Private Persons."

AYES:	Commissioners Sparks, Marshall, Campos, Lee, Veronese
ABSENT:	Commissioner DeJesus

DISCUSSION AND POSSIBLE ACTION TO SET THE LOCATIONS OF FUTURE DISTRICT COMMISSION MEETINGS

RESOLUTION NO. 69-07

SETTING THE LOCATIONS OF FUTURE DISTRICT COMMISSION MEETINGS

RESOLVED, that the following District Meetings will be held in the following Police Districts:

August 29, 2007	***Northern*** (preferably in the Marina)
September 26, 2007	***Tenderloin*** (preferably in the northern part of the District)
October 24, 2007	***Taraval*** (preferably in the central or southern part of the District)
November 28, 2007	***Park***
December	***(No district meeting)***
January 30, 2008	***Richmond***

AYES: Commissioners Sparks, Marshall, Campos, Lee, Veronese
ABSENT: Commissioner DeJesus

PUBLIC COMMENT
None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the first meeting of the Police Commission subcommittee on Violent Crimes will be on Thursday, August 9th, at the Southeast Community Center, 1800 Oakdale Avenue, at 6:00 p.m. The subcommittee is composed of Commissioners Marshall, DeJesus, and Veronese.

PUBLIC COMMENT
Unidentified discussed concerns.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks welcomed Commissioner Mazzucco who will be sworn in tomorrow at 3:00 p.m.

Commissioner Sparks would like the Chief to do a presentation regarding civilianization on overall total possible positions in the Department that could be civilianized and how many with be this year and what the schedule would be on civilianizing all potential positions.

Commissioner Sparks also would like a report on Patrol Specials specifically on number of applications that have been received in 2007 and that are pending, how many are currently pending, number that are in background investigations, how many applications/background investigations have been completed in 2007, what the average time frame for a background investigation for Patrol Special, how many have been rejected, and the ETA for completion of background cases currently within the Department.

Commissioner Sparks would also like a report on computerized justice system and where the Department is relative to other city agencies.

PUBLIC COMMENT
None

ADJOURNMENT

Commissioner Sparks would like to adjourn the meeting in honor of CHP Officer Douglas Russell who died in the line of duty this week. He is a 22-year veteran of the CHP, 46 years old, and worked in the CHP Office in Placerville.

Motion by Commissioner Marshall, second by Commissioner Lee. Approved 5-0.

Thereafter, the meeting was adjourned at 9:24 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE LEE
Commissioner

DR JOE MARSHALL
Commissioner

THERESA SPARKS
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 8, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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(CLOSED SESSION)
Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session (DISCUSSION ONLY)

   a. Pursuant to Government Code section 54957(b)d and San Francisco Administrative Code Section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Policy Analyst

OPEN SESSION
Pledge of Allegiance; Roll Call,

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

6. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities
   c. Presentation of Citizen's Commendations

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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DR. JOE MARSHALL
Commissioner

THERESA SPARKS
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 8, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

8. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

9. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution) (DISCUSSION ONLY)

10. Discussion and possible action to adopt revised Department General Order 11.04, "Peer Support Program" (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

13. Adjournment

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

AUGUST 8, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:51 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Veronese

CHIEF'S REPORT

c. Presentation of Citizen's Commendations

Taken out of order.

Captain Paul Chignell, Ingleside Station, described the incident of May 19, 2007, at Creighton's Bakery, 673 Portola Avenue, and presented Commendation Certificates to Mr. Kermit Kubitz, Mr. Jonas Svallin, and Dr. Sang-Ick Chang

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Supervisor Elsbernd presented Mr. Kubitz, Mr. Svallin, and Dr. Chang Certificates of Honor from the Board of Supervisors.

Mr. Daniel Hornsey, Director of the Mayor's Office Neighborhood Services, presented Mr. Kubitz, Mr. Svallin, and Dr. Chang with the Mayor's Certificate of Appreciation.

Ms. Frances Shay, Office of Senator Carol Migden, presented certificates to Mr. Kubitz, Mr. Svallin, and Dr. Chang.

Commissioner Sparks commended the individuals on behalf of the Commission.

Mr. Philip Laird, President of the Neighborhood Association Miraloma Park Improvement Club, thanked Mr. Kubitz, Mr. Svallin, and Dr. Chang.

Mr. Kubitz thanked the Commission and the Police Department for their quick response and thanked the staff at SF General for their contribution in his speedy recovery.

Dr. Chang thanked the Commission and stated it was an honor to be before the Commission with Mr. Kubitz and Mr. Svallin.

Mr. Svallin thanked the Commission and stated that he is honored to be associated with Mr. Kubitz and Dr. Chang.

Commissioners Marshall, Veronese, DeJesus, Lee, and Mazzucco thanked Mr. Kubitz, Mr. Svallin, and Dr. Chang.

Chief Fong thanked Mr. Kubitz, Mr. Svallin, and Dr. Chang.

PUBLIC COMMENT

Kathleen thanked the gentlemen for their bravery.
Lana Basil thanked the gentlemen for their actions.
Unidentified thanked the gentlemen for their actions.
Bill, friend of the family, thanked the gentlemen for stepping up.
Unidentified thanked the gentlemen.

CHIEF'S REPORT (continued)
c. Presentation of Citizen's Commendations

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Captain Dudley, Central Station, presented Certificate of Appreciation to Mr. Sal Alioto.

Supervisor Elsbernd, for Supervisor Peskin, presented a Certificate of Honor from the Board of Supervisors to Mr. Alioto.

Mr. Hornsey presented a Certificate of Appreciation from the Mayor's Office.

Commissioner Sparks thanked Mr. Alioto for his actions.

Commissioner Veronese thanked Mr. Alioto for his bravery.

Commissioners Marshall and Mazzucco thanked Mr. Alioto.

Chief Fong thanked Mr. Alioto for being our Guardian Angel, and thanked Mr. Alioto on behalf of Officer Ng.

Captain Corriea, Academy, commended Mr. Andy Thornley, Officer Brenda Walker, Officer Michaelangelo Apodaca and showed video made by them. Captain Corriea presented Certificates of Appreciation to Mr. Thornley, and Officers Walker and Apodaca.

Mr. Thornley, Bicycle Coalition, addressed the Commission and commended Officer Walker.

Commissioner Sparks thanked Mr. Thornley and the officers.

Commissioner Veronese suggested that SFGTV should play the video and thanked Mr. Thornley

PUBLIC COMMENT

Ms. Johnson discussed concerns.

Inspector Lee, SFPD, stated that he is glad to see the film for the safety of bicyclists and pedestrians.

Commissioner Sparks announced that the Closed Session will be moved towards the end of the agenda.

PUBLIC COMMENT

Inspector Frank Lee, Sexual Assault Detail, discussed concerns regarding the Homicide Unit interview process.

Ms. Johnson discussed concerns.

CHIEF'S REPORT (continued)

a Update on significant policing efforts by Department members

b. Review of Recent Activities

Chief Fong thanked the Captains, officers, and the community for a successful Night Out Activities.

Chief Fong also announced the 214th Recruit Class Graduation on Friday.

Chief Fong also talked some of the great work done by the men and women of the SFPD.

Commissioner Sparks stated to the Chief, "That in light of giving awards to a number of citizen heros today, that you actually lead a police force of over 2,000 individuals who do heroic acts every single day of their life and

put their lives on the line every single day of their lives. So we need to spend more time commending and honoring the over 2,000 heros that are members of the San Francisco Police Department that go out and do their job without recognition on a daily basis, and many times it's an unforgiving job but I think this highlights what they deal with on a daily basis and I think we need to remember that these people are heros everyday of their career."

PUBLIC COMMENT
Ms. Johnson discussed concerns.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim OCC Director, reported that Commissioner Sparks visited the new building and invited the other members of the Commission and members of the Command Staff. Ms. Field stated that the move is scheduled for October 1st. Ms. Field also announced that the National Association of Civilian Oversight of Law Enforcement convention will be held in San Jose at the end of September.

PUBLIC COMMENT
None

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner Sparks introduced Commissioner Thomas Mazzucco and asked him to introduce himself.

Commissioner Mazzucco thanked Commissioner Sparks and gave a brief bio.

PUBLIC COMMENT
None

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICY PROPOSALS (SPARKS RESOLUTION)

Commander Harper, Administrations, presented the Sparks Resolution report along with Ms. Samara Marion. Commander Harper commended Sergeant Lynch and her staff for her work on this report.

Ms. Marion talked about the Language Access DGO and stated that it is on the last stage of review from the City Attorney's Office and the POA.

Commissioner Sparks asked about DGOs 7.01 and 5.20 and stated that these are the priorities of the Commission.

Commissioner Veronese expressed concerns regarding process of getting DGOs in front of the Commission.

Commissioner Sparks stated that 8.12, In-Custody Death, is an important DGO and asked that it be expedited. Commissioner Sparks also stated that DGOs 3.16, Release of Police Reports, and 8.09, Media Relations, have been problematic and would like to see them move forward. Commissioner Sparks also would like 11.07, EEO DGO, move forward.

Commissioner Veronese asked that dates be set for DGOs.

Commissioner Sparks would like an update from Commander Harper next week so that dates can be set.

Ms. Field thanked Ms. Marion for her work

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 11.04, "PEER SUPPORT PROGRAM"

Continued.

COMMISSION ANNOUNCEMENTS

Commissioner Sparks asked about location for the Community Meeting for August 29th.

Sergeant Reilly announced the meeting tomorrow of the Sub Committee on Violent Crime at 6:00 p.m., at the Southeast Community Facility.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks asked the other Commissioners to let Sgt. Reilly know if they have any items to be agendized.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Samuel Vingrinovich spoke in regards to the Policy Analyst position.
Ms. Johnson discussed concerns.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 6-0.

CLOSED SESSION (7:40 p.m. to 8:19 p.m.)

a. **PERSONNEL EXCEPTION: Public Employee appointment: Policy Analyst**

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Veronese, Chief Fong, Deputy City Attorney Katie Porter, Director Alice Villagomez

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Veronese, second by Commissioner DeJesus for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Sparks to adjourn the meeting in honor of individuals that were honored tonight. Second by Commissioner Veronese. Approved 6-0.

Thereafter, the meeting was adjourned at 8:22 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 15, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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(CLOSED SESSION)
Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   a. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b):
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny motion to continue disciplinary trial in Case No. C06-119 KMO (ACTION ITEM)

   b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b):
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters in Case No. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, C06-187 JCT, and C06-188 JCT (DISCUSSION ONLY)

   c. Pursuant to Government Code section 54957(b) and San Francisco Administrative Code Section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: OCC Director (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION)
Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 15, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Public Comment
(Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

6. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Status Report re: Patrol Special Officers

7. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

8. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Repot
   b. Commissioners' Reports
   c. Presentation of the Police Commission's bi-monthly report of Closed Session Disciplinary Actions (Veronese Resolution)

9. Discussion and possible action to adopt a resolution requiring the Chief of Police, or his or her designee, to notify each Police Commissioner, via telephone or electronic messaging, when certain events occur (ACTION ITEM)

10. Approval of the minutes for the meeting of July 11, 2007 (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)
   a. Reassignment of Case No. C03-190 JWA to Commissioner Lee
   b. Reassignment of Case No. C04-106 JWA to Commissioner Lee
   c. Reassignment of Case No. D03-364 JWA to Commissioner Mazzucco
   d. Reassignment of Case No. C04-039 JWA to Commissioner Mazzucco
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   f. Reassignment of Case No. D03-199 JWA to Commissioner Mazzucco
   g. Reassignment of Case No. C07-076 ALW to Commissioner Veronese

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

DAVID CAMPOS
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Commissioner

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Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 15, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

13. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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The closest BART Station is: Civic Center

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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8/15/07
cancelled

The Commission Meeting for Wednesday, AUGUST 15, 2007, is <u>cancelled</u> due to lack of quorum.

Please join the Commission at its next meeting on Wednesday, AUGUST 22, 2007, at 5:30 p.m., in Room 400, at City Hall.

08-15-07 03:15 PM

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 22, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

F
'45
#1
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c.2

Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. Approval of the Consent Calendar (ACTION ITEM)
   a. Request of the Chief of Police to accept a donation of $75.00, from Carl and Evelyn Grossman, for the use of the SFPD Canine Unit. The donation is in memory of Retired Police Officer Frank O'Leary

3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Status Report re: Patrol Special Officers

08-21-07 10:

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4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

5. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Repot
   b. Commissioners' Reports
   c. Presentation of the Police Commission's bi-monthly report of Closed Session Disciplinary Actions (Veronese Resolution)

6. Discussion and possible action to adopt a resolution requiring the Chief of Police, or his or her designee, to notify each Police Commissioner, via telephone or electronic messaging, when certain events occur (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM.505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 22, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Approval of the minutes for the meetings of July 11, 2007 and July 18, 2007 (ACTION ITEM)

8. Commission Announcements (DISCUSSION ONLY)
   a. Reassignment of Case No. C03-190 JWA to Commissioner Lee
   b. Reassignment of Case No. C04-106 JWA to Commissioner Lee
   c. Reassignment of Case No. D03-364 JWA to Commissioner Mazzucco
   d. Reassignment of Case No. C04-039 JWA to Commissioner Mazzucco
   e. Reassignment of Case No. D03-348 JWA to Commissioner Mazzucco
   f. Reassignment of Case No. D03-199 JWA to Commissioner Mazzucco
   g. Reassignment of Case No. C07-076 ALW to Commissioner Veronese

9. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

(CLOSED SESSION)
Roll Call.

10. Public Comment on all matters pertaining to Closed Session.

11. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

12. Closed Session

    a. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters in Case No. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, C06-187 JCT, and C06-188 JCT (DISCUSSION ONLY)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 22, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
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b. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b):
PERSONNEL EXCEPTION: Discussion and possible action to grant or deny motion to continue disciplinary trial in Case No. C06-119 KMO (ACTION ITEM)

c. Pursuant to Government Code section 54957(b) and San Francisco Administrative Code Section 67.10(b):
PERSONNEL EXCEPTION: Public Employee appointment: OCC Director (DISCUSSION & POSSIBLE ACTION)

(Reconvene to **Open Session**)

13. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

14. Adjournment (ACTION ITEM)

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Northern District, at Claire Lilienthal Elementary School, 3630 Divisadero Street, San Francisco, at 6:00 p.m., on Wednesday, August 29, 2007, to hear comments from the public and Northern Station Captain Croce Casciato concerning public protections issues in the Northern District.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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AUGUST 22, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Veronese
ABSENT: Commissioners Campos, Mazzucco

(Commissioner DeJesus arrived at 6:05 p.m.)
(Commissioner Lee was excused at 7:30 p.m.)

PUBLIC COMMENT

Alexis Miranda, Divas Night Club Manager, discussed concerns regarding prostitution and drugs in the area and asked for more cooperation from the police.

Eric Arguello, President Lower 24th Street Merchant Neighborhood Coalition, expressed support for cameras on 24th Street and stated that the camera is working and is a deterrent.

David Lewis discussed concerns regarding being falsely convicted and asked for the Commission to appear at his Factual Innocence Hearing on August 29th.

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APPROVAL OF THE CONSENT CALENDAR

a. Request of the Chief of Police to accept donation of $75.00, from Carl and Evelyn Grossman, for the use of SFPD Canine Unit. The donation is in memory of Retired Police Officer Frank O'Leary

Motion by Commissioner Marshall, second by Commissioner Lee. Approved 5-0.

RESOLUTION NO. 70-07

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF $75.00, FROM CARL AND EVELYN GROSSMAN, FOR THE USE OF THE SFPD CANINE UNIT. THE DONATION IS IN MEMORY OF RETIRED POLICE OFFICER FRANK O'LEARY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of $75.00, from Carl and Evelyn Grossman, for the use of the SFPD Canine Unit. The donation is in memory of Retired Police Officer Frank O'Leary.

AYES: Commissioners Sparks, Marshall, Veronese, DeJesus, Lee
ABSENT: Commissioners Campos, Mazzucco

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Status Report re: Patrol Special Officers

Deputy Chief Shinn updated the Commission regarding Patrol Specials. Chief Shinn stated the number of applications for assistant patrol specials in 2007 is 11 applications. Currently in the background process is 7 and 4 applications have been completed. Based on the 4 that have been completed, 2 have been denied for not meeting the minimal standards and 2 are in the process of being reviewed by him and by the Chief. Chief Shinn stated that the background process can take, on the average, between 6 and 8 months.

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process as a uniformed officer. Chief Shinn stated that a private background is submitted by the assistant patrol special and then it is reviewed by the Department. Chief Shinn stated that there is a priority process in getting the police applicants in as soon as possible and Chief Shinn stated that he asked the Chief to have a specific officer trained to handle not only civilians but also patrol specials.

Deputy Chief Shinn stated that for 2006, there were 9 applications received, 0 in the backgrounds, 5 completed applications, 2 applicants withdrew from background process, 1 patrol special withdrew the assistant patrol special application. There were 4 appointed from this process and 1 still in the wait process pending one document.

Deputy Chief Shinn stated that 2005, there were 9 applications received, 0 in the backgrounds, 5 completed applications, 3 applicants was a combination of patrol special withdrew, 2 applicants withdrew, 4 appointed and waiting on 1 for one pending document.

Commissioner Veronese stated that there has not been any appointments of a single patrol special. Chief Shinn stated that the approval for an assistant patrol officers rest with the Department. The approval for a beat owner or a transfer of the beat goes through the Commission.

Commissioner Veronese asked about the distinction between a patrol special and an assistant patrol special. Ms. Molly Stump clarified that in the rules there are a number of other distinctions.

Commissioner DeJesus asked who monitors the day-to-day activities of the patrol specials through the different districts. Chief Shinn stated that the oversight of the patrol specials at each district stations rest upon the platoon commander at that particular station. The rules adopted by the Commission is they are not allowed to write police reports.

Commissioner Sparks stated that Commissioner Lee will be working with the City Attorney in revising the Rules and Procedures of Patrol Specials. Commissioner Sparks also asked that this item be calendar again toward the end of September or the first meeting in the October. She also asked the Department for a monthly report in regards to what was talked about tonight in regards to the background process.

PUBLIC COMMENT

Ron Lee stated that the patrol specials in the Diamond Heights area do great policing and commended PSO Calvin Wiley.

Eric Arguello express support for the patrol specials in the Mission area.

Ernestine Weitz expressed concern regarding homeless on Market Street and asked for more foot patrol officers on Market Street.

Alexis Miranda, 15th & Valencia, discussed concerns regarding limited power of patrol specials.

Edward Gilman, Alamo Square, discussed concerns regarding shootings in the area and expressed support for patrol specials.

Mr. Farley stated that patrol specials are like police reserves and patrol specials should have same full power as police officers.

Karen Eckland expressed support for Officer Jane Warner.

Ernest stated that he is a present patrol special applicant and a recent Q2 applicant and asked about the application process.

Jane Warner stated that rules and procedures needs to be rewritten and asked that she be part of the process.

Commissioner Sparks asked if there are other issues that need to be addressed. Ms. Warner stated that some of the members being written up on

charges according to DGOs but they are not given DGOs and asked that they be trained and be supervised.

Commissioner Veronese asked what is the difference between patrol specials and police officers. Ms. Warner gave a brief history of the patrol specials and stated that they augment for the police officers in the neighborhood and that they are paid by merchants/resident and that it is for profit organization.

Commissioner Veronese asked what Ms. Warner needs to serve the city better. Ms. Warner stated that she has a great walking foot patrol program and stated that she needs to be able to write police reports and make arrests and be able to write citations and asked for consistency in the hiring process and training process by the Department.

Commissioner Sparks asked the city attorney if the application process can be discussed in open session and Ms. Stump stated that she will look into that.

Commissioner Veronese asked if the Commission can hear appeals from patrol specials directly. Ms. Stump stated that under the rules the Commission is directly responsible for discipline and removal of a patrol specials. Ms. Stump explained that there is no process for an appeal in the rules and stated that the Commission is a rule and policy making body and in areas that are defined by the Charter, the Commission has an adjudicative function and that the appeals is an area of administration and in the City's system, administration of operational system is done by departments and is overseen at a policy level by Boards and Commissions.

PUBLIC COMMENT continued

Unidentified discussed concerns regarding patrol special rules and abandoned beats.

Paul Melvestald, Attorney at Law, stated that patrol specials provide services to small business owners.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim OCC Director, discussed outreach efforts by the OCC in the past week. Ms. Field also talked about the mediation program implemented by the OCC and stated that they are getting a lot of positive feedback from both the officers and the citizens. Ms. Field also stated that the POA has also been a partner in helping officers understand the benefits of mediation.

PUBLIC COMMENT

None

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

c. Presentation of the Police Commission's bi-monthly report of Closed Session Disciplinary Actions (Veronese Resolution)

Commissioner Sparks reported that she met, along with Commissioner Marshall, with the consultants doing review on foot patrols and that they are proceeding forward with the study on foot patrols and district boundaries and announced the website of www.sfpolicereview.org and that this website will be updated on information as these studies go forward. The review is anticipated to be completed by December 31st and submitted to the Commission in early January.

Commissioner Marshall talked about the first meeting of the Subcommittee on Violent Crimes and stated that it was a highly charged meeting and stated that it was a good start and that it went very well and that he would like to schedule a second meeting.

Commissioner DeJesus stated that there were some constructive ideas that came out of the meeting.

Sergeant Reilly presented the bi-monthly report of Closed Session Disciplinary Actions.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUIRING THE CHIEF OF POLICE, OR HIS OR HER DESIGNEE, TO NOTIFY EACH POLICE COMMISSIONER, VIA TELEPHONE OR ELECTRONIC MESSAGING, WHEN CERTAIN EVENTS OCCUR

Put over to September 4th.

APPROVAL OF THE MINUTES FOR THE MEETINGS OF JULY 11, 2007 AND JULY 18, 2007

Motion by Commissioner Marshall, second by Commissioner Veronese. Approved 5-0.

COMMISSION ANNOUNCEMENTS

a. **Reassignment of Case No. C03-190 JWA to Commissioner Lee** (Resolution 72-07)
b. **Reassignment of Case No. C04-106 JWA to Commissioner Lee** (Resolution 73-07)
c. **Reassignment of Case No. D03-364 JWA to Commissioner Mazzucco** (Resolution 74-07)
d. **Reassignment of Case No. C04-039 JWA to Commissioner Mazzucco** (Resolution 75-07)
e. **Reassignment of Case No. D03-348 JWA to Commissioner Mazzucco** (Resolution 76-07)
f. **Reassignment of Case No. D03-199 JWA to Commissioner Mazzucco** (Resolution 77-07)
g. **Reassignment of Case No. C07-076 ALW to Commissioner Veronese** (Resolution 78-07)

Sergeant Reilly announced that the Commission will meet in the Northern District on Wednesday, August 29th, at the Claire Lilianthal Elementary School, 3630 Divisadero Street, at 6:00 p.m.

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Veronese

CLOSED SESSION (7:35 p.m. to 8:13 p.m.)

a. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters in Case No. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, C06-187 JCT, and C06-188 JCT (DISCUSSION ONLY)**

b. **Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b): PERSONNEL EXCEPTION: Discussion and possible action to grant or deny motion to continue disciplinary trial in Case No. C06-119 KMO (ACTION ITEM)**

c. **Pursuant to Government Code section 54957(b) and San Francisco Administrative Code Section 67.10(b): PERSONNEL EXCEPTION: Public Employee appointment: OCC Director (DISCUSSION & POSSIBLE ACTION)**

PRESENT: Commissioners Sparks, Marshall, DeJesus, Veronese, Deputy City Attorney Stump, Ms. O'Haire, Deputy City Attorney Blits

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by commissioner DeJesus, second by Commissioner Marshall for non disclosure. Approved 4-0

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Veronese. Approved 4-0.

Thereafter, the meeting was adjourned at 8:15 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA

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Secretary

REGULAR MEETING
WEDNESDAY, AUGUST 29, 2007
6:00 p.m.

NORTHERN DISTRICT
Claire Lilienthal Elementary School
3630 Divisadero Street
San Francisco, California

Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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2. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

08-28-07 10:16 RCVD

3. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

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4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

5. Approval of the minutes for the meetings of August 1st and 8, 2007 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)
   a. Withdrawal of the Appeal of the Chief's Suspension in Case No. D05-029 DRA
   b. Assignment of disciplinary case no. C07-106 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   c. Assignment of disciplinary case no. C07-104 ALW to an individual Commission for the taking of evidence on a date to be determined by the Commissioner

7. Captain Croce Casciato, Commanding Officer of Northern Station, to address the Commission on Police Activities in the Northern District (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

9. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The San Francisco Police Commission and the Officers of Northern Station invite you to attend

A Special Meeting of the Police Commission
August 29th, 2007
6:00 PM

Claire Lilienthal
3630 Divisadero Street
San Francisco, CA 94123

This is your opportunity to address the governing body of the San Francisco Police Department. Residents, Merchants and Community Members of the Northern District are invited to voice their concerns directly to the Commissioners.

- Free parking available in the Claire Lilienthal schoolyard (Beach and Divisadero St.)
- An accessible entrance is located on Beach at Divisadero St.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: Claire Lilienthal 3630 Divisadero Street, San Francisco

Accessible MUNI lines serving this location is: #30 Stockton
For information about MUNI service call 923 6142

The closest BART Station is: _____

Accessible parking Claire Lilienthal Schoolyard (Beach & Divisadero)

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

AUGUST 29, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Northern District, Claire Lilienthal Elementary School, 3630 Divisadero Street, at 6:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Veronese, Campos, DeJesus, Mazzucco
ABSENT: Commissioner Lee

(Commissioner Marshall arrived at 6:22 p.m. Commissioner Campos arrived at 6:19 p.m.)

Commissioner Sparks welcomed the audience and asked the Commissioners to introduce themselves.

PUBLIC COMMENT

Rex Reginald thanked the Chief for canine armor for the Department, and discussed concerns regarding littering of cigarette butts in the city.

Jeannette Berger discussed concerns.

Robert Young, SF resident, discussed concerns regarding litter laws and enforce litter laws in regards to cigarette butts.

Patricia, PADS, discussed concerns regarding homeless issues.

Pam, Marina resident and business owner, thanked the Department for increased police presence in the neighborhood and on Chestnut Street.

Sean discussed concerns regarding their residence being burglarized.

Shaun Sullivan discussed concerns regarding altercation with gang kids and their residence being burglarized.

Alvin Ziegler discussed concerns regarding increased in crimes in the neighborhood.

Unidentified discussed concerns regarding being robbed in the Tenderloin and filing of police report and stated that there is no excuse for violent behavior.

Rene Rasso discussed concerns regarding a theft identity suspect who goes around the neighborhood looking through people's recycling bins. She also discussed concerns regarding an incident with an elderly being hit with a 2 x 4.

Michelle Mueller discussed concerns regarding incidents.

Kelly Kaiser, Bay & Dubois resident, discussed concerns regarding homeless sleeping at merchant's doorways.

Lisa, Marina resident, discussed concerns regarding escalation in crime rates and asked for more police presence.

Jane Gomez, Marina resident, discussed concerns regarding the city's tolerance for homeless and the police being victims of current political leaders.

Jan, Marina resident, discussed concerns regarding calling 911 with cell phones and getting the CHP and being put on hold and asked for cell phone number for SFPD for local residents.

Ron Proom discussed concerns regarding garbage everywhere and discussed concerns regarding having an intruder in the house with his three kids and his wife and it took 12 minutes for the police to respond and the decision of the District Attorney to let the suspect go.

Jaqueline, robbery victim at Filbert and Buchanan, discussed the incident and stated of hearing other similar incident happening in the area.

Tom McAteer, 27 year resident, discussed concerns with police being moved around by politicians to different problem areas and discussed transients in the Lombard Street and Divisadero Street area.

Storm Fontanello, 23 year resident, discussed concerns regarding San Francisco being perceived as a welfare city.

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CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong addressed the audience and stated that it is the officers responsibility to take police reports. The Chief also stated that she is aware of the Bridge Motel and stated that the Captain and his staff is doing a code enforcement. The Chief also stated that the problem of homeless is a problem in the city and introduced Lt. Lazar who is the liaison for homeless agencies. Chief Fong talked about the 911 calls and stated that in San Francisco, 911 calls do go to the Police Dispatch in San Francisco depending on where you are in the city.

The Chief answered the question if resources have been redeployed into other parts of the city like the Western Addition. Chief Fong stated that she checked that on one day, the sector car in the Marina was not staffed but the seven car was staffed and on the swing watch, the sector car was staffed but on the midnight watch it was not staffed.

CAPTAIN CROCE CASCIATO, COMMANDING OFFICER OF NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Casciato addressed the Commission on police activities in the Northern District. Captain Casciato presented his plan for the Northern District.

Commissioner Veronese commended the Captain for dressing in his Class A Uniform. Commissioner Veronese asked about staffing for the 5 car sector which is the Marina District. Captain Casciato stated that he developed this plan and he is assigning the specific task to the section sergeant and that he believes that the staffing is going to be there.

Commissioner DeJesus asked about foot beat and beat officers. Captain Casciato explained that he wants beat officers to be on their beats so that they are accessible to the residents.

Commissioner DeJesus asked how will the Captain hold the junior supervisors accountable for the different sectors. Captain Casciato stated that the big measure is when crime goes down. He stated that a lot of it will be measure by reaction from the community. Captain Casciato stated that he doesn't believe that the district has homeless problems. He believes that the district has a mental health and a substance abuse problem. He stated that he could get the State legislature to be able to take people that are on that edge in a non criminal manner and to take them in custody for five days to triage them as a health issue and detox them and clean them up to get them to make a rational decision to get help.

Commissioner Marshall commended Captain Casciato for having a plan and stated that it is very rare that Captains have plans and urged the community to cooperate with the Captain.

Commissioner Sparks thanked Captain Casciato for his creativity and his innovation.

Commissioner Mazzucco stated that he knows the recycling guy on the bicycle and advised the audience to put recycling last minute and to shred paperwork before putting them in the bin. Commissioner Mazzucco also asked about beat officers in the Chestnut Street area who will know the neighborhood. Captain Casciato stated that his goal is to not take officers out of their beat and that there will be a class for new officers in the station on how to walk the beat. He stated that he wants the officers to be self reliant and to

work with people on the street.

Commissioner Sparks asked the Command Staff to introduce themselves.

Captain Casciato introduced Catherine Stefani, Supervisor Alioto-Pier's Office legislative aid.

PUBLIC COMMENT

Patricia encourages people not to feed the homeless and not to give them money. She also discussed concerns with shoplifting.

Coby Hoops surprised that there is no neighborhood watch in the Marina.

Brad Anderson stated that it is absurd that the Supervisors having dictation of where foot patrol should go and stated that he hopes that what happened to Captain Dillon will not happen to the new captain.

Jeanette Burger discussed concerns and stated that people should be responsible for themselves.

Steve Capadonico stated that activism starts with you and asked why crime is happening now when it was not there three years ago. Commissioner Marshall stated that crime is up all over the United States.

Paul Norris asked if the spike in crimes is due to the homeless or the gangs.

Cindy Branden, Executive Director SAFE, stated that if anyone wants to start a neighborhood watch or if there is one in the area to please call her office.

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Ms. Jean Field, Interim OCC Director, described duties and responsibilities of the OCC.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

None

APPROVAL OF THE MINUTES FOR THE MEETINGS OF AUGUST 1ST AND 8, 2007

Motion by Commissioner Marshall, second by Commissioner Veronese. Approved 6-0.

COMMISSION ANNOUNCEMENTS

a. **Withdrawal of the Appeal of the Chief's Suspension in Case No. D05-029 DRA** (Resolution No. 80-07)

b. **Assignment of disciplinary case no. C07-106 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Mazzucco)

c. **Assignment of disciplinary case no. C07-104 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Marshall, Resolution No. 79-07)

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese would like a follow up report on the progress of Captain Casciato's plan for the district.

Commissioner Sparks announced that the Department can now publish crime statistics by neighborhoods.

Commissioner Veronese asked the Chief for a report on the feasibility of mandating that each car sector during each shift have a vehicle that patrols so that the Commission can see whether or not the resources exist to mandate that that happens.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Veronese. Approved 6-0.

Thereafter, the meeting was adjourned at 8:44 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

09-04-07P12:04 RCVD

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

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4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Repot
   b. Commissioners' Reports

5. Discussion and possible action to adopt a resolution requiring the Chief of Police, or his or her designee, to notify each Police Commissioner, via telephone or electronic messaging, when certain events occur (ACTION ITEM)

6. Presentation on the Department's Policy re: Referral of matters to State or Federal jurisdictions (DISCUSSION ONLY)

7. Approval of the minutes for the meetings of August 22, 2007 (ACTION ITEM)

8. Commission Announcements (DISCUSSION ONLY)
   a. Reassignment of disciplinary case no. C07-106 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

9. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM.505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(CLOSED SESSION)

Roll Call.

10. Public Comment on all matters pertaining to Closed Session.

11. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

12. Closed Session

    a. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters in Case No. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, C06-187 JCT, and C06-188 JCT (DISCUSSION ONLY)

    b. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PERSONNEL EXCEPTION: Discussion and possible action to grant or deny motion to continue disciplinary trial in Case No. C06-119 KMO (ACTION ITEM)

    c. Pursuant to Government Code section 54957(b) and San Francisco Administrative Code Section 67.10(b):
    PERSONNEL EXCEPTION: Public Employee appointment: OCC Director (DISCUSSION & POSSIBLE ACTION)

(Reconvene to **Open Session**)

13. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

14. Adjournment (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

SEPTEMBER 5, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:48 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco
ABSENT: Commissioner Veronese

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PUBLIC COMMENT

None

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong updated the Commission regarding recent activities in the past week. Chief Fong also announced that on Saturday, September 9th, there will be a Public Safety Job Faire Expo at Treasure Island. Chief Fong also gave a brief update in regards to homicides in the city.

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Commissioner Campos would like a brief follow up from the Chief in regards to landlord/tenant rights.

Commissioner Sparks asked if there is a spike in overall violent crimes that correspond with the homicide increase. Chief Fong stated that the homicide rate is increasing but all other part one crimes are decreasing and is down 23 percent since the beginning of January.

Commissioner Sparks asked if there is sufficient staffing in the Homicide Unit. Chief Fong stated that three additional inspectors were added t the Homicide Unit but two inspectors were move from Homicide into the Cold Case Unit plus three part time retired inspectors.

Commissioner Sparks asked if the Commission can get the same presentation that was done for the Public Safety Committee because it was a good description about what the solution rate of these crimes. Chief Fong stated that Captain Cashman and Lt. Murphy worked closely with Direction Anderson from MOCJ and will be happy to make that presentation.

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim Director, gave a brief update on some of the things OCC is working on. She stated that they are working on things that they want to present to the Commission and one of those things is a number of policy recommendations. The OCC is also recruiting legal interns and doing a number of outreach. Ms. Field also stated that move date is around the 12th or 13th of October.

Commissioner Lee stated that the Department's website be made user friendly and to include major languages so that the different communities can get information and access the website easily.

PUBLIC COMMENT
None

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner Sparks has no report this week but has asked Commissioners Marshall and DeJesus to talk about the subcommittee meeting on violent crimes which was held August 9th in the Southeast College.

Commissioners Marshall and DeJesus reported on the August 9th meeting of the Sub Committee Meeting on Violent Crime.

Commissioner Campos asked what is the expectation by the community from the Commission. Commissioner DeJesus stated that there are things that are important to the community and the Commission and relay that to the Chief and talk to the Chief about the concerns of the community and follow up on it.

Chief Fong stated that a lot of the things stated have been discussed and that the Department can come back and report on.

Commissioner Sparks would like Captain Pardini to get a copy of the minutes and for the Department to report back to the community.

Commissioner Sparks commended Captain Casciato for the way he handled the meeting last week and hopes that the Commission can establish that meeting as a format for future district meetings.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUIRING THE CHIEF OF POLICE, OR HIS OR HER DESIGNEE, TO NOTIFY EACH POLICE COMMISSIONER, VIA TELEPHONE OR ELECTRONIC MESSAGING, WHEN CERTAIN EVENTS OCCUR

Commissioner Sparks stated that she went over this resolution with the Chief. Commissioner Sparks explained that this is not a call to action for Commissioners to start responding to critical incidents or responding to homicides, this is strictly a notification.

Chief Fong thanked Commissioner Sparks for the discussions before moving this item forward and stated that Commissioner Sparks have clearly expressed some of the Chief's concerns.

Commissioner Lee stated that she does agree that as a Commission that they need to know what's going on but stated that looking at the resolution, most of the incidents that the Commission needs to be notified, the Commission have already been notified. Commissioner Lee stated that she feels that this resolution may get in the way of the Chief or her command staff's day to day activity since there are seven commissioners to notify. Commissioner Lee offered an amendment that the Chief or her designee notify the Commission President and let it be the decision of the President to notify the other Commissioners.

Commissioner Campos stated that he thinks that the Commission should play the proper role and that there as some instances where he found out a major policy decision was made through the press. Commissioner Campos asked that the Commission be notified before it is announced.

Commissioner DeJesus stated that she thinks this is a good idea and that this is an important resolution.

Commissioner Sparks stated that something like this sets precedence for future Commissioners to be notified and that hopefully this will be received as in the spirit of communication.

Commissioner Campos asked that the phrase be added so that is says "Resolved, that, to the extent possible, the Chief of Police, or his or her designee, ..." be added.

Motion by commissioner Campos, second by Commissioner Mazzuco to approve resolution with amendment. Approved 5-1.

PUBLIC COMMENT
None

RESOLUTION NO. 81-07

RESOLUTION REQUIRING THE CHIEF OF POLICE, OR HIS OR HER DESIGNEE, TO NOTIFY EACH POLICE COMMISSIONER, VIA TELEPHONE OR ELECTRONIC MESSAGING, WHEN CERTAIN EVENTS OCCUR

WHEREAS, from time to time incidents occur within the City and County of San Francisco which involve members of the San Francisco Police Department about which individual Commissioners need to be informed; and,

WHEREAS, it is important that Commissioners be informed of these incidents in a timely manner; and,

WHEREAS, it is important the Commissioners have accurate and up-to-date information concerning these incidents; now, therefore be it

RESOLVED, that, to the extent possible, the Chief of Police, or his or her designee, notify each Commissioner, via telephone or electronic messaging, in a timely manner, when the following incidents occur:

Type of Incident	Timing of Notification
Officer Involved Shooting (as defined by DGO 8.11)	3 hours
Officer Involved Discharge (as defined by DGO 8.11)	24 hours
In-custody Death	3 hours
A critical incident (as defined by DGO 8.01)	3 hours
Homicides occurring within the City & County of San Francisco	3 hours
Unscheduled First Amendment activities, of which the Chief is notified or are high profile, political in nature or involve issues of immigration.	3 hours
Previously scheduled or permitted First Amendment activities	Upon issuance of permit
Any SFPD press release or media advisory	Prior to, or simultaneously with, the release of the media
Any press release issued by the Mayor or Board of Supervisors addressing issues within the jurisdiction of the SFPD	Upon receipt by the SFPD from the issuing authority
Any public meeting or press conference alone or with any	Upon scheduling or

elected official, or presentations to the Mayor, District Attorney, Office of Criminal Justice or Board of Supervisors	notification of the event

The information provided shall be a basic summary and should include, at a minimum, time, type, location, and brief synopsis of incident, any injuries or fatalities that occurred and whether any arrests were made.

Each Commissioner may elect to opt out of the communications and/or choose the method of communications.

All notifications shall occur between the hours of 8 a.m. and 10 p.m., 7 days per week. After 10 p.m., notification shall be held until after 8 a.m. the following morning.

This resolution shall take effect within 72 hours of being approved by the Police Commission, may be amended from time to time, and shall remain in full force and effect until revocation by a subsequent vote of the Police Commission.

AYES: Commissioners DeJesus, Marshall, Mazzucco, Sparks, Campos
NAYS: Commissioner Lee
ABSENT: Commissioner Veronese

PRESENTATION ON THE DEPARTMENT'S POLICY RE: REFERRAL OF MATTERS TO STATE OR FEDERAL JURISDICTIONS

Captain Kevin Cashman, Investigations Bureau, presented the Department's policy regarding referral of matters to State and Federal jurisdictions.

Commissioner Sparks asked if the Department deals directly with Homeland Security Office or with various office under Homeland Security. Captain Cashman stated they deal with the Joint Terrorism Task Force through the inspectors and things are funneled through from a variety of sources including Homeland Security.

Commissioner Campos asked how does the Department approach the Federal Agency to make sure that whatever involvement or interaction the Department has with that agency is consistent with the policy choice of the City and County. Captain Cashman stated that from 1999 to 2002, he was the Captain of the Narcotic Division and stated that the Department was at the forefront of getting written policy out to assist the officers in the field. He stated that the Department is the first major agency to allow officers in the field to exercise discretion and actually return cannabis to medical marijuana patients. Captain Cashman stated that the participation for the SFPD inspectors on the DEA Task Force is very simply because they have to comply with Department General Orders and what is good about this is that there is a specific department bulletin that guides the officers in this. The DEA special agent in charge is made aware of that and the Department's participation on the Task Force is contingent upon strict compliance by all the officers with this matter.

Lieutenant Rick Parry, Narcotics Unit, explained the City Ordinance that makes it the lowest priority for marijuana enforcement issues. Lt. Parry stated that the bulk of marijuana arrests are for street sales and street sales are specifically excluded from the ordinance of the lowest priority.

Captain Cashman also explained that in order to enter into an investigation with the Federal agency, authority from the Captain and the Deputy Chief is needed and that is in the DGOs.

PUBLIC COMMENT

None

APPROVAL OF MINUTES FOR THE MEETING OF AUGUST 22, 2007

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 6-0.

PUBLIC COMMENT
None

COMMISSION ANNOUNCEMENTS

a. **Reassignment of disciplinary case no. C07-106 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 82-07, Assigned to Commissioner Sparks)

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETING

Commissioner Sparks asked that the priority list be produced and handed to the Commissioners.

Chief Fong stated that DGO 7.01 is currently with the City Attorney and that the Department has been told that it will be received back this Friday. DGO 5.20, Language Access is with the POA and that will be received back on Friday.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (8:17 p.m. to 9:35 p.m.)

a. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters I Case No. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, C06-187 JCT, and C06-188 JCT**

b. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny motion to continue disciplinary trial in Case No. C06-119 KMO** (Resolution 71-07)

c. **PERSONNEL EXCEPTION: Public Employee appointment: OCC Director**

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Deputy City Attorney Stump, Attorney K. O'Haire, Deputy City Attorney M. Blits

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Lee. Approved 5-0.

Thereafter, the meeting was adjourned at 9:36 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS F. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

SF
P45
#1
9/12/07
cancelled

The Commission will not meet on Wednesday, September 12, 2007.

Please join the Commission at its next meeting on Wednesday, September 19, 2007, at 5:30 p.m., in Room 400, at City Hall.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

SF
P45
#1
9/12/07
cancelled
revised

The Commission will not meet on Wednesday, September 12, 2007.

Please join the Commission at its next meeting on Wednesday, September 19, 2007, at 5:30 p.m., in Room 400, at City Hall.

09-12-07P02:26 RCVD

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Tenderloin District, Community Meeting Room, 201 Turk Street, San Francisco, at 6:00 p.m.,on Wednesday, September 26, 2007, to hear comments from the public and Tenderloin Captain Gary Jimenez concerning public protection issues in the Tenderloin District.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM.505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 19, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

SF
P45
#1
9/19/07
c.2

Pledge of Allegiance; Roll Call

1. Public Comment
(Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

(THE COMMISSION WILL MOVE THE AGENDA TO ITEM #2 AT 6:00 P.M)

2. Hearing to gather initial public input regarding the review of Police District Station Boundaries and the Foot Patrol Pilot Program evaluation (DISCUSSION ONLY)

3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

09-13-07P01:58 RCVD

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

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5. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

6. Approval of the minutes for the meetings of August 29, 2007 (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)
   a. Discussion re: The Commission's Priority List

(CLOSED SESSION)
Roll Call.

9. Public Comment on all matters pertaining to Closed Session.

10. Vote on whether to hold Closed Session. (San Francisco Administrative Code Se
(ACTION ITEM)

THOMAS J. CAHILL
.15) 553-1669

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM.505, SAN FRANCISCO, CA 94103-4603 (415)

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

SEPTEMBER 19, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:55 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campo, DeJesus, Lee, Mazzucco
ABSENT: Commissioner Veronese

(Commissioner DeJesus arrived at 6:25 p.m.)

PUBLIC COMMENT

Katie Ladell, Southbeach resident, asked that transfer of Captain O'Leary be reconsidered.

Steve Worthington discussed concerns regarding reckless driving and motorcycle law violations.

Rodney discussed concerns regarding Muni fare violators and asked that the Department and the Muni work together to stop this.

Howard Woo discussed concerns regarding hours for beat officers.

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9/19/07

HEARING TO GATHER INITIAL PUBLIC INPUT REGARDING THE REVIEW OF POLICE DISTRICT STATION BOUNDARIES AND THE FOOT PATROL PILOT PROGRAM EVALUATION

Ms. Kim Craven, Public Safety Strategies Group, presented and talked about the studies in regards to the Police District Station boundaries and the Foot Patrol Pilot Program.

Mr. Rick Bailey, Sr. Program Manager, continued with the presentation.

Ms. Craven stated that they will continue the citizen survey as well as business community and a survey for visitors. She stated that the first report will be ready for the public on October 20th and the final report is slated for the end of December with presentations in January.

Ms. Craven stated that the support that they have received from all members of the Department, members of the Commission, the Board of Supervisors, the Mayor's Office, City Hall, and the Controller's City team has been phenomenal and the show of support and trust from the community speaks about the level of interest from the community.

Commissioner Campos asked how does this study relates to the safety cameras. Peg Stevenson, Controller's Office, stated that the time line on the district station boundaries and foot patrol is very aggressive and will have completion at the end of the year and reports to the Commission in January. She stated that MOCJ is well on their way with their work in the safety camera analysis and stated that her office will be involved in all the studies.

Commissioner Campos would like to get a time line as to the safety camera analysis.

Commissioner Campos asked if transfers of captains is best practice based on the study and survey. Ms. Craven stated that they are aware of the transfers that have happened during the time of the study and that they will work to get the data needed to effectively make informed recommendations which will be part of their final report.

Commissioner Lee suggested, in reaching out to the immigrant

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community, to partner with community groups and let the community know that there are surveys that they can be part of. Commissioner Lee also asked if they have considered including communities of interest in drawing up the boundaries. Commissioner Lee stated that it makes a lot of difference when different groups are put together and find out what commonalities they share because it will help with community/police relations within those districts. Ms. Craven stated that they are looking at all the city demographic data and they look at special populations, vulnerable populations, and they take all of that into account with the analysis.

Commissioner Sparks stated that she hopes that they are looking at all the demographics, throwing out the existing district boundaries, at least at the beginning, and saying how best can we represent and serve the people of San Francisco; how best can we set these districts up; and do we need five districts or do we need 25 districts. Commissioner Sparks stated that she is hoping that that is the starting point as opposed to looking at the ten districts and saying how can we make that better. Commissioner Sparks asked if that is how they are looking at district boundaries. Ms. Craven stated that how they analyze the data is they bring it down to the smallest data element that they can, the smallest subsection of the city, and with their data analysis, the boundaries are not drawn at that point and that it is clearly just raw data analysis.

Commissioner Sparks asked how are they convening experts locally to be able to determine if it is not working in other cities, how are we going to make it work here if there are no true best practices on certain areas, in particularly violent crimes, around the country. Commissioner Sparks how are those issues addressed and how will they access that type of expertise to look at San Francisco from a micro perspective. Ms. Craven stated that the inclusion of other experts will be what they will be doing with the focus groups and that they will be talking about that at the steering committee meeting on Friday and they will discuss as to who should be participating in that so that as they start to develop recommendations and put things down on paper, they will have a sounding board of people that know the city and are familiar with the issues that are here.

Commissioner Sparks expressed concerns about public meetings and stated that there seems to be a concentration around Central Station, around Northern Station and that part of the city and stated that if you look at the other direction, the Bayview, the Ingleside, there seems to be a void of public meetings. Commissioner Sparks asked how would that issue be addressed because those are one of the two areas where there are high violent crime rates and it would be important to get input from those areas. Ms. Craven stated that trying to get out there and getting communities to welcome them into the meetings has been a challenged and stated that they are open to going to other meetings if the communities want them. She stated that they have used the Captains' emails and web pages. The Safety Network has done their email lists. The Mayor's Office of Criminal Justice Neighborhood Services, the Controller's Office has been emailing and every time they get a number, they went ahead and called and tried to chase down every potential meetings that they possibly could. Ms. Craven also stated that she has one Spanish-speaking staff and that they will be doing a telephone survey and they will have additional language capabilities that they do not have. They are also relying on the network in San Francisco to get the translation of the paper surveys and they have had translators at the meetings.

Commissioner Sparks asked if the interim report is issue on October 20th, will there be additional public hearings after the interim report is issued to give people an opportunity to comment on the report before the final report it put together. Ms. Craven stated that there is no public hearings slated for that time but it is something they can talk about at steering committee.

Commissioner DeJesus would like more input from the Ingleside Community.

PUBLIC COMMENT:
None

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong reported that she did transfer captains which were effective last Saturday. Chief Fong explained that, in the district stations, the Captains had between three and five years in their assignments. In the past it had always been one and a half years to years and then they are transferred. As far as the specialized units, the Tactical and Homeland Security Unit, those members did not have three years. Chief Fong stated that, with the movement, there are so many assignments and that she felt that there are some talents that should be moved into various chairs. Chief Fong stated that she had conversations with the FOB and they came up with the changes and these changes are to build on what the captains have already put in place in terms of the foundation. Chief Fong stated that the goal is that the Department is addressing the challenges in the community as well as the crime challenges.

Commissioner Campos expressed concern as to whether or not or there should be a practice or policy of rotating people on an ongoing basis after a number of years. Commissioner Campos stated that it takes a very long time to develop relationships and it is very hard work. Commissioner Campos stated that you have a community that works hard with the captain and felt like the transfers happened and left them without information. He stated that he thinks that the Commission should have a discussion about the larger policy issues, not to micro manage the Department or tell the Chief who should be assigned to what station, but to talk about whether or not automatic rotations are something that makes sense with the Department.

Commissioner DeJesus discussed concerns that starting with a new captain means starting from ground zero.

Commissioner Campos would like the issue of systemic transfers be put on the calendar.

Commissioner Marshall stated that will these questions be covered by the PERF study, which is an independent analysis that will include this subject.

Chief Fong explained that the policy of the department is that officers, sergeants, and inspectors, at the current time, are covered by the personnel transfer policy which means the department has the authority to assign them to an assignment while in the probationary phase and the department has the authority to move them, once they complete probation, to a permanent assignment and following that, the department has no authority to move them unless they choose to move and they can put their name on the list or it is the action of the department because of a conflict or some disciplinary action. Lieutenants, captains, and command staff have been subject to rotations and moves as managers. However, that's the current policy. With the new MOU as discussed with the PO A and has been signed off on, the department is working on a career development plan with all officers, effective January 2007, all officers hired as of that date, they will be subject to a five-year rotation. Chief Fong stated that as far as the captains rotations, the department tries to give everyone a different experience. Every station has different experiences. Chief Fong stated that the goal is not just what the captain brings but it is also what the community can do together and keep moving.

Commissioner Campos asked that there still be a discussion regarding

the issue of transfers.

Chief Fong suggested that this issue be put in the front of the studies being done and make this a priority.

Chief Fong stated that DGO 5.20, Language DGO, is ready to go and the Department is ready to move on the general order. Chief Fong also updated the Commission in regards to incidents that occurred. She stated that just in the past week, there were 37 firearms seized by the Department.

Chief Fong also updated the Commission about her trip to China. She stated that she, and four members of the Department, were invited to an International Security Conference because in 2008, Beijing will be hosting the 2008 Olympics. As part of that conference, there were discussions and presentations by all the participating countries focusing on terrorism and counter-terrorism. There was also significant discussion about the torch run that will lead up to Olympics in Beijing. San Francisco is one of the cities where the torch will be traveling through and San Francisco is the only city in North America that the torch will be coming through. Chief Fong stated the torch will arrive on April 8th and the torch relay will be the following day. Chief Fong stated that the Department will not be determining who carries the torch or the exact route of the torch.

Commissioner Marshall commended the Chief for the awards ceremony last week and hopes that the public can see the ceremony. Chief Fong stated that she would like to have the awards ceremony twice a year.

Commissioner Sparks asked the Chief to notify the Commission when awards at the station level will be presented.

Commissioner DeJesus discussed concerns regarding gang injunctions and would like some type of report in regards to information sent to the City Attorney by the Department regarding who they believe are gang members. Commissioner DeJesus stated that she is concern regarding the type of documentation provided to the City Attorney's Office for the injunction and how is the Department determining who is a gang member or not. Commissioner DeJesus would like the Commission to look into this and would like to know what the role of the Department is in terms of the gang injunctions.

Commissioner Sparks would like to calendar this for the week after next week. Chief Fong stated that she will confer with the City Attorney's office. Commissioner Sparks stated that she does not want the Chief to violate any confidence but she stated knowing the process would be good for the Commission to get a better understanding.

Commissioner Campos talked about the awards presented to the officers and would like to publicly recognize the officers during a Commission meeting.

Commissioner Mazzucco asked if it is possible to have a representative from the City Attorney's office to come in and generically explain why they're doing this program, what effects it's had on the community, and give the Commission an opportunity to be assured of the fact that they are moving slowly and they are moving through it and trying to protect the constitution while also trying to protect the communities.

Commissioner Sparks stated that she had a conversation with City Attorney Herrera about this issue and his response was that he would prefer and wait until it had gone through the legal system to determine what the court's analysis was and then he would be happy to come and talk to the

Commission but he would be reluctant to do that until the court decisions had been addressed.

PUBLIC COMMENT

Rodney commended Chief Fong and encouraged her to keep doing what she's doing.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim OCC Director, informed the Commission that effective October 15th, the OCC will be in the new building. The new address will be 25 Van Ness Avenue, 7th Floor. The new phone number is 415-241-7711.

Commissioner Sparks asked about the status of hiring new people. Ms. Field stated that they are in the process of interviewing attorney candidates. Commissioner Sparks stated that the Commission is optimistic that there will be a new OCC Director anytime soon.

PUBLIC COMMENT

Steve Johnson, POA, discussed concerns regarding timeliness of the OCC's investigation and a case that is a year and a half old and involving 23 officers.

Commissioner Sparks expressed concerns regarding the time line of the investigation and suggested that Ms. Field discuss the case in closed session with the Commission.

Ms. Field stated that she will be happy to discuss the case with the Commission.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner Sparks announced that she will be attending and making a presentation at the NACOLE conference next week along with Sgt. Thorne from the Department in regards to transgender issues.

Commissioner DeJesus asked if there is funding for some of the Commissioners to attend the seminars. Chief Fong stated that she will work with Sgt. Reilly and do a follow up.

Chief Fong stated that she, along with Commissioner Marshall, will be going to a conference in Chicago in regards to violent crimes around the country.

Commissioner Marshall announced that he is putting together the next meeting of the subcommittee on violent crimes and will be held in Visitation Valley.

Commissioner Mazzucco announced that he just returned from Atlanta to attend the Project Safe Neighborhoods convention that deals with gun violence. Commissioner Mazzucco stated that what we're seeing here in San Francisco in regards to gun violence is also seen throughout the country. He stated that there is more gun violence perpetrated by juveniles. Commissioner Mazzucco asked that that's an issue he would like the Commission to take up and talk to the Department about.

Commissioner Mazzucco also stated that it was an honor to be in the

room with the officers during the Awards Ceremony.

Commissioner Mazzucco also would like to talk about the issue that has been raised with regards to timing of interviews. He stated that the value of the interview, the further away from the time of the incident has less evidentiary value because the memories fade and interviews should be done as soon as possible.

Commissioner Mazzucco would like a presentation the Juvenile Department, Juvenile Commission, presentation by the head of Youth Guidance Center, and presentation by the Department in regards to the trend they are seeing in regards to youth violence.

Commissioner Sparks stated that the Commission is awaiting DGO 7.01 in regards to Juvenile Policies Procedures and stated that that might be the appropriate time for a discussion.

PUBLIC COMMENT
None

APPROVAL OF THE MINUTES FOR THE MEETING OF AUGUST 29, 2007

Motion by Commissioner Campos, second by Commissioner DeJesus. Approved 6-0.

PUBLIC COMMENT
None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the next Commission Meeting will be held in the Tenderloin District at 201 Turk Street/Jones, on Wednesday, September 26th, at 6:00 p.m.

Commissioner Sparks stated that she will not be able to attend the meeting as well as Commissioner Marshall. She asked that Commissioner Lee chairs the meeting.

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

a. Discussion re: The Commission's Priority List

Commissioner Sparks would like DGO 5.20 calendared for October 17th and asked that Sgt. Reilly contact the Immigrant Rights Commission and the Health Commission to send representatives to that meeting.

Commissioner Sparks would like the Copley matter be calendared for discussion sometime in October. She also would like the item in regards to institution of immediate OCC investigation of alleged officer misconduct through notification of a claim or lawsuit against the City be calendared for October for discussion of a resolution.

Commissioner Marshall would like a report from the Department in regards to nomination of officers for awards. Chief Fong stated that the Department can do a presentation on that issue.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Rodney asked why is the Commission doing this Closed Session.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

CLOSED SESSION (8:49 p.m.)

a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Chief of Police

(Present: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Deputy City Attorney Stump, Chief Fong)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

Thereafter, the meeting was adjourned.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 26, 2007
6:00 p.m.

TENDERLOIN DISTRICT
Community Meeting Room
201 Turk Street
San Francisco, California

SF
P45
#1
9/26/07
c 2

Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

09-26-07A09:38 RCVD

2. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

09-26-07A1- 2-0EFLE

3. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

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4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

5. Approval of the minutes for the meeting of September 5, 2007 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)

7. Captain Gary Jimenez, Commanding Officer of Tenderloin Station, to address the Commission on Police Activities in the Tenderloin District (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

9. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: Community Meeting Room, 201 Turk Street, San Francisco

Accessible MUNI lines serving this location is: 31 Balboa & Muni Metro on Market Street
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center Plaza

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

SEPTEMBER 26, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Tenderloin District, Community Meeting Room, 201 Turk Street, San Francisco, at 6:30 p.m., in a Regular Meeting.

PRESENT: Commissioners DeJesus, Lee, Mazzucco, Veronese
ABSENT: Commissioners Sparks, Marshall, Campos

Commissioner Lee welcomed the audience and asked the Commissioners to introduced themselves.

CHIEF'S REPORT

a. Review of Recent Activities

Deputy Chief Morris Tabak, for Chief Fong, stated that the Chief is attending a Violence Prevention Conference. Chief Tabak introduced members of the command staff. Present were Deputy Chief Shinn, Deputy Chief Keohane, Commander Harper, and Commander Lynch. Chief Tabak deferred his time to Captain Jimenez.

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OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Ms. Jean Field, Interim OCC Director, described the function and responsibilities of the Office of Citizen Complaints.

COMMISSION REPORTS

a. Commission President's Report
b. Commissioners' Reports

None

APPROVAL OF MINUTES FOR THE MEETING OF SEPTEMBER 5, 2007

Motion by Commissioner Veronese, second by Commissioner DeJesus with amendment requested by Commissioner Lee. Approved 4-0.

COMMISSION ANNOUNCEMENTS

None

CAPTAIN GARY JIMENEZ, COMMANDING OFFICER OF TENDERLOIN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Jimenez described the demographics of the Tenderloin District and described police activities in the district.

PUBLIC COMMENT

Dina Hilliard, Safety Network, introduced TNT and talked about some of the efforts of TNT which stands for The New Tenderloin and presented petitions with 5,000 signatures asking city officials for help.

Edward Evans, Tenderloin Disability Council, discussed quality of life issues in the Tenderloin.

ADJOURNMENT

Meeting adjourned at 7:09 due to lack of quorum.

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Public Comment continued

Hank Wilson, works at Tenderloin, addressed the issue of Halloween and discussed concerns regarding lack of communication from the Department.

Philip Nguyun discussed concerns regarding responsibility of the police and is not aware of the district boundaries.

Robin discussed concerns regarding actions by police against a bicyclist during critical mass.

Terrence Allen, TNT, asked that the Commission supports The New Tenderloin and asked that one of the Commissioners be a liaison to TNT.

Craig Nelson, resident, discussed concerns regarding noise levels in the Tenderloin and discussed concerns regarding Methadone treatment center right across from a children's playground which seems to attract drug dealers.

Elizabeth Alexander works for a project of the Tenderloin Housing Clinic that organizer Latino immigrant parents in the neighborhood, discussed concerns regarding pedestrian safety and also would like to work with improving Latino relationship with the police.

Bobbi discussed concerns regarding safety of immigrants and asked for more communications with the schools regarding foot patrol and also discussed pedestrian safety.

George Dias, Hamilton Condo Association, Vice President for Alliance for Better District 6, stated that he is in favor of safety cameras and also awarded Captain Jiminez for his work at Tenderloin.

Tamika Moss, Tenderloin Neighborhood Development Corporation, recognized Captain Jiminez and the officers of Tenderloin Station and asked the Commission to support whatever the station needs to help support the community and discussed concerns regarding lack of coordination with other city officials.

Matt, Tenderloin resident, discussed concerns regarding drug trafficking in the neighborhood.

Michael Nulty, President of Alliance for a Better District 6, talked about foot patrols and community policing and presented Captain Jiminez with an award for foot patrols.

John Vandeslack discussed concerns regarding providing toilets for the homeless and discussed concerns regarding narcotics.

David Villalobos discussed concerns regarding lack of response from the Tenderloin Station.

Daniel O'Connor, St. Anthony's Foundation, commended the police for their work around St. Anthony's and keeping the neighborhood safe.

Arthur Duffy, resident, asked that Little Saigon be added to their district.

Michael Peterson discussed concerns regarding police shortage.

Elaine Zamora discussed concerns regarding drug dealing in the neighborhood and asked that DGO 5.03 be revisited.

Commissioner Veronese addressed the audience in regards to community policing and staffing.

Commissioner DeJesus talked about the PERF study and survey.

Commissioner Lee asked about outreach to the Latino and Vietnamese communities. Captain Jiminez stated that they have worked with Glide in regards to providing safety presentations which has been done in Spanish. Captain Jiminez stated that they have participated with the Vietnamese celebrations. Commissioner Lee asked that maybe both district captains have a meeting with the Vietnamese community since they are in between boundaries.

Thereafter, the meeting was adjourned.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 3, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

10-02-07A11:28 RCVD

3. Closed Session

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL
   Kellogg, Jr. v. CCSF et al., San Francisco Superior Court No. 446-493
   (DISCUSSION ONLY)

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(OPEN SESSION)
Pledge of Allegiance; Roll Call,

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of Consent Calendar (ACTION ITEM)
   a. Request of the Chief of Police to accept a donation of $3,775.00 from PSI World to go towards the Northern Station Community Outreach Funds

   b. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Kellogg, Jr. v. CCSF et al., San Francisco Superior Court No. 446-493

   c. Request of the Chief of Police for approval to accept a gift of lodging and meals valued at no more than $4,500 from the Public Security Ministry of the PRC, for five Department members: Chief Heather Fong, Captain Daniel McDonagh, Sergeant John Nestor, Sergeant Neville Gittens, and Inspector Felix Thieu, during the recent trip to China in preparation and coordination for the 2008 Olympic events that will occur as the Olympic Torch passes through San Francisco enroute to Bejing.

The Police Commission

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Commissioner

THOMAS P. MAZZUCCO
Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 3, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public Comment
(Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities
   c. Presentation of the 3rd Quarter 2007 Firearm Discharge Review Board Report
   d. Presentation of Officer-Involved Shooting Investigation Status Summary

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

9. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

10. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution) (DISCUSSION ONLY)

11. Approval of the minutes for the meeting of September 19, 2007 (ACTION ITEM)

12. Commission Announcements (DISCUSSION ONLY)

13. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in disciplinary case no. C07-081 ALW who retired from the Department. Said disciplinary charges will be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

14. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

15. Adjournment

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

OCTOBER 3, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Mazzucco
ABSENT: Commissioners Campos, Lee, Veronese

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

CLOSED SESSION (5:46 p.m. to 6:03 p.m.)

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a. **CONFERENCE WITH LEGAL COUNSEL**
Kellogg, Jr. v. CCSF et al., San Francisco Superior Court No. 446-493

(Present: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Deputy City Attorney K. Kirby, Deputy City Attorney M. Stump, Director J. Tidwell, Sergeant J. Reilly)

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco for non disclosure. Approved 4-0.

Public Comment
None

APPROVAL OF THE CONSENT CALENDAR

a. **Request of the Chief of Police to accept a donation of $3,775.00 from PSI World to go towards the Northern Station Community Outreach Funds**
b. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:**
Kellogg, Jr. v. CCSF et al., San Francisco Superior Court No. 446-493
c. **Request of the Chief of Police for approval to accept a gift of lodging and meals valued at no more than $4,500 from the Public Security Ministry of the PRC, for five Department members: Chief Heather Fong, Captain Daniel McDonagh, Sergeant John Nestor, Sergeant Neville Gittens, and Inspector Felix Thieu, during the recent trip to China in preparation and coordination for the 2008 Olympic events that will occur as the Olympic Torch passes through San Francisco enroute to Bejing**

Public Comment
None

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Motion by commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

RESOLUTION NO. 83-07

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF $3,775.00 FROM PSI WORLD TO GO TOWARDS THE NORTHERN STATION COMMUNITY OUTREACH FUNDS

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of $3,775.00 from PSI World to go towards the Northern Station Community Outreach Funds.

AYES: Commissioners Sparks, Marshall, DeJesus, Mazzucco
ABSENT: Commissioners Veronese, Campos, Lee

RESOLUTION NO. 84-07

ROBERT W. KELLOGG, JR., v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Robert W. Kellogg, Jr.v. CCSF," in San Francisco Superior Court Case No. 446-493, be, and the same is hereby approved.

Date of Incident: October 28, 2004

AYES: Commissioners Sparks, Marshall, DeJesus, Mazzucco
ABSENT: Commissioners Veronese, Campos, Lee

RESOLUTION NO. 85-07

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A GIFT OF LODGING AND MEALS VALUED AT NO MORE THAN $4,500 FROM THE PUBLIC SECURITY MINISTRY OF THE PRC, FOR FIVE DEPARTMENT MEMBERS: CHIEF HEATHER FONG, CAPTAIN DANIEL McDONAGH, SERGEANT JOHN NESTOR, SERGEANT NEVILLE GITTENS, AND INSPECTOR FELIX THIEU, DURING THE RECENT TRIP TO CHINA IN PREPARATION AND COORDINATION FOR THE 2008 OLYMPIC EVENTS THAT WILL OCCUR AS THE OLYMPIC TORCH PASSES THROUGH SAN FRANCISCO ENROUTE TO BEJING

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a gift of lodging and meals, valued at no more than $4,500, from the Public Security Ministry of the PRC, for five Department members: Chief Heather Fong, Captain Daniel McDonagh, Sergeant John Nestor, Sergeant Neville Gittens, and Inspector Felix Thieu, during the recent trip to China in preparation and coordination for the 2008 Olympic events that will occur as the Olympic Torch passes through San Francisco enroute to Bejing.

AYES: Commissioners Sparks, Marshall, DeJesus, Mazzucco
ABSENT: Commissioners Veronese, Campos, Lee

PUBLIC COMMENT

Jeanette Berger discussed concerns regarding privacy.

Mark Potters, Neighbors of Treasure Island, commended Commander Tacchini and Captain McDonagh for meeting with them and listening to their concerns.

Unidentified, SRO Advocate, talked about SRO Training.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Review of Recent Activities

c. Presentation of the 3rd Quarter 2007 Firearm Discharge Review Board Report

d. Presentation of the Officer-Involved Shooting Investigation Status Summary

Chief Fong highlighted some of the good work of the men and women of SFPD.

Chief Fong also reported on the Violent Crime Summit she attended in Chicago. Commissioner Marshall stated that he found the topic of shot spotters and safety cameras very interesting.

Chief Fong also talked about the resignation of the Director of the Housing Authority. Chief Fong stated that the Mayor has asked her to be part of the team in terms of public safety.

Chief Fong talked about Halloween and stated that she would like to have Deputy Chief Shinn give a brief update. Commissioner Sparks stated that the Commission will have a separate agenda item for next week's meeting.

Chief Fong also addressed concerns regarding notes by the subcommittee and Chief Fong stated that the Department is preparing a document that addresses some of the concerns. Chief Fong recommended that maybe, for the next meeting, after the meeting, the Commission, the Chief, and the Captain of the district could sit down and go over some of the concerns of the community and then come up with a response.

Commissioner DeJesus stated that both Commissioner Marshall and herself had called Captain Pardini and stated that during the subcommittee meeting, they took notes of exactly what the community has said about the Department and that they had talked to Captain Pardini and the Captain has stated that there were some misinformation. Commissioner DeJesus stated that the focus is what the community thinks about their officers. Commissioner DeJesus stated that it was the first subcommittee meeting and that maybe next time they will meet with the District Captain to let him/her know the concerns of the community. Commissioner DeJesus stated that the memo reflects the community's concerns and not what this Commission thinks about the Department or does the Commission endorses those things.

Commissioner Marshall explained that this was a meeting of the subcommittee on violent crime and that was what people had to say.

Chief Fong stated that Department will prepare a response and follow up with Commissioners Marshall and DeJesus.

Deputy Chief Keohane presented the 3rd Quarter 2007 Firearm Discharge Review Board Report.

Sergeant Joseph McFadden presented the Officer-Involved Shooting Investigation Status Summary.

Lieutenant Murphy, Homicide Detail, gave a brief update on OIS 07-01 and 07-02.

Commissioner DeJesus asked about SRO Training. Chief Fong stated that two names of individuals were forwarded to Captain Corriea for him to coordinate how it could best be brought into the Academy curriculum.

Commissioner Sparks stated that it will be calendared for the first meeting in November. Commissioner Sparks also asked about the new policy for homeless. Chief Fong stated that program has not started but currently, the Department has outreach officers as well as foot patrol officers in areas where there may be a number of homeless community. They are provided resource sheets. It is also the policy to call either the Health Department or Human Services agency to send out outreach workers to assist people because in many cases someone who is homeless isn't necessarily violating the law.

Commissioner Sparks asked if this new program primarily targeted for homeless people that are in plain view of the tourist and the convention people or is it actually a broader program to actually help the homeless that are out on the streets. Chief Fong stated that this is an area that was highlighted within the meeting. However, Chief Fong stated, that it doesn't mean that the Department will stop all the other services and the outreach in the other areas.

Commissioner Sparks asked if this is a long-term plan or short-term plan. Deputy Chief Shinn explained that as the hot teams, the Department of Public Health and the Department of Human Services Agency, are able to get people into services, that is the goal. Chief Shinn stated that as people move, the teams literally move with them.

Commissioner Sparks asked about the homicide rate. Chief Fong stated that the number, year-to-date, is above the full year of last year. She stated that the Department is seeing a lot of different trends in homicides where it is spontaneous; it's people who don't know one another; or it is the drug-related incidents; or family violence. Chief Fong stated the Department will continue to do a number of things that it believes will help prevent those homicides.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim OCC Director, talked about the recent NACOLE conference. Ms. Field also talked about the scheduled office move of the OCC. The move is scheduled for October 15th.

Commissioner Marshall asked Ms. Field to recommend someone from the conference to talk to the Commission about police oversight and ideas.

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner DeJesus stated that she did meet with Captain Pardini and that notes will be typed up and a presentation will be made regarding comments that the Captain has and information provided. Commissioner DeJesus also discussed the article by Gary Delagnes in the POA Newspaper.

Commissioner Marshall stated that he would like an explanation from Mr. Delagnes and that he would be happy to meet with Mr. Delagnes personally and that he would be happy to talk to the entire POA.

Commissioner Mazzucco suggested that this be used as an opportunity

to open the lines of communication between the Commission and the POA to discussed these issues and that he would love to meet with the POA and its membership.

Commissioner Sparks stated that she would like to continue to keep the dialogue open and stated that she has met with the Chief of a regular basis and have tried to meet with Ms. Field on a regular basis and she's met with the Director of the ACLU on a regular basis and that she has made the same offer to Mr. Delagnes and so far they have had one meeting. Commissioner Sparks stated that she is hoping that Mr. Delagnes will take this opportunity to take up her invitation once again to meet with him on a regular basis so that issues can be resolved in a manner that is productive rather than a manner that is potentially harmful to the relationship between the Commission and the POA and also the community.

Commissioner Sparks stated that her concern is that the Commission is somewhat at a disadvantage because the POA Journal is only a one way communication and the Commission doesn't have a similar venue from which they can communicate to the officers as well, either on a proactive basis or in this case a reactive basis. Commissioner Sparks, therefore, asked the Chief to do within 30 days is to install bulletin boards at every district stations and every bureau so that the Commission can publish letters and announcements directly to the rank and file so they can hear words directly from the Commission as opposed to as being either filtered through the POA Journal or conversations with any one individual.

Commissioner Sparks stated that she would ask Mr. Delagnes, if possible, whether or not the POA could actually arrange a Commission meeting at a time and place where it can be noticed as an official Commission meeting with the only agenda item asking officers to address the Commission directly so that their concerns can be heard directly.

PUBLIC COMMENT
Sylvia Johnson discussed concerns.

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICE PROPOSALS (SPARKS RESOLUTION)

Captain Fotinos and Ms. Samara Marion presented the quarterly report regarding police proposals.

PUBLIC COMMENT
None

APPROVAL OF THE MINUTES FOR THE MEETING OF SEPTEMBER 19, 2007

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 4-0.

COMMISSION ANNOUNCEMENTS

The community meeting will be in the Taraval District.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN DISCIPLINARY CASE NO. C07-081 ALW WHO RETIRED FROM

THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL VE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

(Resolution No. 86-07)

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 4-0.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Mazzucco would like to calendar the meeting with the POA to address officers' concerns.

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned at 7:56 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 10, 2007
6:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

SF
P45
#1
10/10/07

Pledge of Allegiance; Roll Call,

1. ***Presentation re: The Police Department and other allied City Agencies' operations plan for Halloween Night, October 31, 2007 (DISCUSSION ONLY)***

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Review of Recent Activities

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

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4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

5. Commission Announcements (DISCUSSION ONLY)

6. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

7. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

8. Adjournment

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

OCTOBER 10, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:11 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Mazzucco, Veronese
ABSENT: Commissioner Lee

(Commissioner DeJesus arrived at 6:35 p.m.)

PRESENTATION RE: THE POLICE DEPARTMENT AND OTHER ALLIED CITY AGENCIES' OPERATIONS PLAN FOR HALLOWEEN NIGHT, OCTOBER 31, 2007

Commissioner Sparks thanked Supervisor Dufty for joining the Commission meeting.

Commissioner Sparks explained that representatives from the city, including the Chief of Police, will be making a presentation initially to talk about what the plans are for Halloween evening. Then there will be an open public comment period for the public to ask questions about the presentations and then speakers will be asked to come back to the podium to answer questions that have been asked. After this hearing, the Commission will go on to the regular agenda.

Commissioner Sparks stated that the decision not to hold Halloween in the Castro has already been made and it is not the intent of this Commission nor this hearing to discuss or to debate whether or not that was a good or a bad decision. The purpose of this hearing is to hear from the city what the city's plans are as far as how the event will be managed and to hear input as to any questions, concerns, or suggestions relative to dealing with that event.

Commissioner Sparks also stated that the management of Halloween is an event that's being organized and overseen by the entire City family and not just the Police Department. Commissioner Sparks stated that what will be talked about tonight is a coordinated effort among all the city agencies, all are represented tonight, on how the events will be managed, not only in the Castro but citywide.

Ms. Martha Cohen, Mayor's Office, addressed the Commission and stated that there is no event in the Castro on Halloween this year and introduced Mr. David Perry who has been contracted by the San Francisco Convention Visitors' Bureau to communicate the public safety and other outreach plans for no Halloween in the Castro.

Mr. David Perry stated that he lives in the Castro and that it is a privilege to work on behalf of this citywide effort on behalf of the Convention Business Bureau and the City working with all city officials to keep his home and all homes in San Francisco safe on Halloween. He stated that the theme of this effort is called Home for Halloween and they have put together a comprehensive website, homeforhalloween.com, and on that site are listed as many events that are actually happening on that night outside of the Castro and other parts of the bay area. This is to encourage people to look within their own home communities and areas of the bay area to find events on Halloween. Mr. Perry also talked about public service announcements sponsored by Kron Channel 4 with three bay area residents delivering the message that the party in the Castro has been cancelled and to please stay home for Halloween. Mr. Perry showed the video of the public service announcements.

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Deputy Chief Shinn presented the department's plan for overall policing for Halloween. Chief Shinn stated that days off are cancelled and have asked the Sheriff's Department and Department of Park and Traffic for a number of their resources. There will be more personnel present than last year. With the assistance of the Muni and the MTA in providing a number of buses and drivers to not only transport police personnel but other personnel such as Department of Parking and Traffic. Chief Shinn stated that there will be aggressive enforcement and if you plan on coming to the Castro to create trouble, you will be arrested. There will be strong enforcement of no drinking on the street and officers will be out there to be a visible presence there and to let people know that there are other events that are occurring in the city.

Captain John Goldberg, Mission Station, stated the planning has been going on for some period of months and that this is a coordinated effort of many many city departments and outreach efforts have been done.

Mr. Pete House, Chief of Emergency Medical Services for the SF Fire Department, stated that they are going to have supportive command presence in each of the command posts that the Police Department is putting up. They have additional staffing dedicated to this event and contingencies for holding personnel over and stated that after months of planning, he is confident that they will be able to work together as a city family to provide appropriate fire and EMS response throughout the city.

Mr. Mohammed Nuru, Deputy Chief of Operations for DPW, stated that they have been part of the planning and that they will be supporting the Police Department in making sure that the barricades are at the right locations if streets need to be closed. They will also be putting trash receptacles and staff will be coming in as early as 4 a.m. on Thursday morning to make sure the city is clean.

Deputy Chief Parra, MTA Security & Enforcement, stated that MTA's parking control officers will be deployed in squads throughout the Castro District. They will ensure the safe flow of vehicular and pedestrian traffic and transit in the neighborhood throughout the evening. There will also be strict enforcement of all parking regulations throughout the evening. Responses to driveways and other types of complaints that require tows will be expedited with predeployed tow trucks in the area. At midnight, MTA will continue to handle calls for service for driveway complaints and tows. Chief Parra stated that there will be squads of fare inspectors in the Metro System to ensure that all who are riding the metro system have paid their fares and if there are any safety issues in the system, they can be readily handled without taking away police services from above ground.

Mr. Kenneth McDonald, Chief Operating Officer of SFMTA, stated that they have, for the last 21 months, have been performing overhead maintenance on the overheard lines and have been motorizing part of the subway during this activity. Mr. McDonald stated that they will continue that during this period and provide service through the event with motorized buses. He stated that the N and J Line will be until 1:30 as normal and continue with the K, L, and M Line turning around at Van Ness Station and taking people on buses from Van Ness to West Portal and then from West Portal on the K, L, and M Line. There will be buses for the police for any emergency movements around the city and they will provide standby buses for any overflow of people in the area.

Mr. Allan Nance, Assistant Chief Probation Officer Juvenile Probation Department, stated that their plan is to have probation officers present in the Castro District and they will be working closely with SFPD personnel to response to any juveniles who are identified in the area who are problematic or are engaging in illegal activities. Mr. Nance also stated that they have initiated

a process to provide notice to stay away from the Castro to each and every probationer and those notices are also provided to the court as part of the progress report for those juveniles. They are also directing probationers to adhere to the curfew citywide on Halloween evening.

Supervisor Dufty addressed the audience and the Commission regarding Halloween at the Castro. Supervisor Dufty also stated that the California Highway Patrol will have a DUI Checkpoint System and information about that will be made available. He stated that the State's ABC is going to be deploying with SFPD and is working with the Fire Department to have a plan to address those serving alcohol serving outlet that remain open. Supervisor Dufty thanked Captain Goldberg for an excellent job in organizing everyone and bringing them together. He also thanked Martha Cohen for her work and experience. Supervisor Dufty thanked that 20 businesses that have agreed to close so far. Supervisor Dufty stated that he hopes to depress the numbers of people that come to the city with a respectful message and that any number of people that are removed from coming to this venue are going to make it easier for the City to do its job of protecting people that are there.

Chief Fong stated that the Department is taking Halloween evening very seriously and the responsibility is not just to who comes or doesn't come to the Castro community and stated that Deputy Chief Shinn will be overseeing the citywide command and each of the district stations in the City will have personnel on duty to make sure that each of the districts are monitored consistently and that there will be resources available that can be moved anywhere around the city.

Commissioner Veronese asked if he wants to go down to the Castro and have a drink, how do you prevent people from doing that without declaring marshal law and what are the plans for public bathrooms. Chief Fong explained that if people go to the Castro or if they go to any part of the city, there is nothing wrong in going into a venue. That is not a problem. But if people think that they are going to walk down the sidewalk and popping open cans of beer or opening bottles of alcohol and drinking on the street, those are violations of the law and officers will enforce the law. As far a bathrooms, that decision will be made collectively by the city team as the event gets closer.

Commissioner Campos stated that it is not just part of the Castro but other parts of the city that come to this event and his concern is reaching out to the limited English speaking communities in the city. Mr. Perry stated that graphic messages are done in English and Spanish and the PSA announcement will also be rendered in Spanish and as far as the other communities outreach will be through the media, through the public service campaign, through flyers and posters that are going to be distributed extensively 10 days prior to Halloween and it will be distributed throughout the East Bay and South Bay. Faxes and emails will be sent out to schools on a one-to-one basis to make sure schools are notified directly.

Commissioner Sparks asked Deputy Chief Shinn to be more specific. Chief Shinn explained that the Department is not shutting down the sidewalks or the streets so the Department will be facilitating traffic and pedestrian flow. Chief Shinn stated that it is the actions and not what someone looks like that the Department will be addressing out there. Chief Shinn explained that what the officers will be looking for, as in the past, people who come to the Castro to create problems, to commit crimes. The officers will be looking for public drunkenness and he stated that he is going to be asking the officers to aggressively enforce those provisions of the law that is enforced on a daily basis.

Commissioner Sparks asked about communication between the Department and the different city agencies involved. Chief Shinn stated that

the Department of Emergency Management will have dispatchers at various command posts. Chief Shinn stated that the staffing will be consistent throughout the district stations and the reason there is staffing is because days off were cancelled.

Commissioner Sparks asked about parking. Deputy Chief Parra explained that he wants to reduce the response time it takes for dispatch to receive a complaint about a driveway in the are and to get that tow truck and the Parking Control Officer to the scene much more expeditiously.

Commissioner Marshall asked about CHPs and are they going to be available if and when the Department needs help. Deputy Chief Shinn stated that their main role is for the DUI checkpoints but in the event that the Department may need them for something else, the Department can make that request.

Commissioner Campos asked if patrol special officers are involved. Captain Goldberg stated that in the past when there's been an organized event, event organizers have hired patrol specials. Since there is no event there, there's no organization and there's no specific function that the city has contracted with them. Captain Goldberg stated that the spoke with Jane Warner today and she stated that she is developing a plan to create a presence.

PUBLIC COMMENT

Unidentified asked about weapons screening, 911 calls through cell phones, and parking on high density areas and people feeling that they are trapped by large numbers of people and is there a plan for community volunteers. He also asked about traffic controllers and the closing of some stations.

Ted Strassers stated that what he heard tonight is the opposite of everything that he had hoped to hear. His concern is that the process is not acceptable.

Patrick Bath, former president of Merchants of Market & Castro, stated that he's been involved in planning for Halloween going back years and has attended a meeting with former Mayor Willie Brown where Martha Cohen made the first suggestion that there be no alcohol on the streets of Castro during Halloween. He stated that the problem this year is that there was an announcement of a Task Force but the City decided not to have a Task Force. He stated that the reason there is frustration and anger is because of lack of leadership and direction expressed by the Supervisor and the Mayor and asked why is there no Task Force and why has the community not been involved in the process.

Michael Staley stated that he is the one who applied for a porta-potty permit from the DPW and stated that is his main concern.

Dan Kisseck, Manager of Castro Country Club, stated that what he believe is going to happen is that there is going to be a largest non-event in the history of the City and nothing is done to address it.

Alex Rosenthal, Citizens for Halloween, stated that she is glad for some answers but disappointed in a lot of them because Halloween in the Castro is a spontaneous gathering of people and it is not the City's to cancel and stated that a $40,000 P.R. budget implemented two weeks before the event is going to convince people to stay away. She stated that it should not be cancelled but it should be managed and made safe first. She also discussed concerns regarding portable toilets.

Michael Petralis stated that based on what he heard he feels like he should go to the Castro and discuss concerns regarding the Department not showing up to community meetings and asked if there will be a meeting on the Wednesday after Halloween.

Dennis Johns, Castro resident, asked if there was any arrests on last year's incident at the Castro. He discussed concerns regarding residents of the

Castro not being involved in the planning of this non event and his question is why there is no communication between the City and the residents of the Castro.

Michael Cohen, Sanchez Street resident, stated that he is organizing the people of his building to sit in front of their building to stop people from blocking their driveway and also to protect from graffiti and discussed concerns about the shut down of Church Street and Castro Street Stations. He also asked as to what the policy is on huge street gatherings.

Gary Virginia, Castro resident, stated that he applied to the Mayor to be on the Task Force and didn't even get an acknowledgment that his letter was received. He requested that the City light up the Castro and discussed concerns about intimidation of merchants to close and asked why the SFPD does not have enough man power to handle a party in a small neighborhood. He also requested a Commission meeting after Halloween.

Susan Scan stated that she never goes out on Halloween because it is a mess and stated that if the flyers says "Home for Halloween" slogan should be changed.

Gilbert Christwell stated that enough is enough of poor planning and poor management and asked to let the community and the people speak and asked for portable toilets and have barricades for emergency vehicles.

Mark Dryer, Castro resident, stated that for the 13 years he has lived in the Castro, there has not been one year where there was no problem. He stated that this is no longer a gay event and discussed concerns regarding harassment during Halloween and asked about enforcement and when will it start.

Scott Shiff stated he loves going to the Castro for Halloween and stated that a lot of planning needs to be considered.

Commissioner Veronese asked if there are any alternatives out there and stated that selective enforcement is something that the Department needs to be careful and hopes that this works out.

Commissioner Sparks stated that the other city agencies as well as the Department need to plan on people being there. There's no stage in the Castro and there's no food vendors in the Castro but there are going to be people in the Castro and it is being naive in thinking that they are not going to show up. Chief Fong stated that the difference between this year and prior years is that in prior years there have been stages and music and activities plan for people who come to the Castro specifically for Halloween evening. This year, there are no activities planned but the neighborhood is not shut down. It is still an open neighborhood and the Department will have the resources to be deployed either there or elsewhere in the city as necessary to insure that there is a safe neighborhood.

Commissioner Campos asked what has the Department done to communicate with the community about this non event. Chief Fong stated that she, Deputy Chief Shinn, Captain Goldberg, and other city representatives were asked to attend the meeting several months ago along with Supervisor Dufty and Martha Cohen. Chief Fong stated that they were there because they wanted to share the fact that the Department was going to be planning for deployment of resources in the Castro and throughout the city on Halloween. Chief Fong stated that is a meeting that she attended and the Deputy Chief and Commander have attended other meetings. The Chief stated that they did not attend a meeting several weeks ago because her understanding was that they were going as a body to explain as all the different agencies did. Chief Fong stated that in terms of working with the community, there are things that the Department can continue to do and that it is never too late to involve the community.

Commissioner Marshall stated that safety should be the main concern and should be the main focus.

Ms. Cohen stated that she was taking notes and that most of the concerns are about public safety.

Captain Goldberg responded to some of the question. He stated that as far as weapons are concern, there were checkpoints last year. There is no intended checkpoints this year because it is not a formal event or street closure at this time. Captain Goldberg stated that even though there were checkpoints, the crowds of people that came last year and as diligent as the Sheriff's Department attempted to be at the checkpoints, they were just very quick visual screenings.

Commissioner Marshall asked if weapons checkpoints can be done. Captain Goldberg stated that not on a public street.

Captain Goldberg stated as far as cell phones if a cell site is close to a freeway, it picks up and automatically routed to the CHP. Elsewhere in the city, it should go to Emergency Communications and stated that there is a number that you can call that goes directly to Communications and he will pass that number on to Mr. Perry so that he can put it out to the public.

Captain Goldberg talked about parking. He stated that there will be parking restrictions in the Castro. The parking lots behind the Castro Theater and behind the Walgreen's on 18th Street will be closed that night. Signs will be posted 72 hours in advance. Captain Goldberg stated that just in case the crowds do come, parking will be restricted on two blocks of Market Street and two blocks of Castro Street.

Commissioner Sparks asked Mr. Perry to do a little bit of public relations inside the city to let the people in the Castro know about parking. Captain Goldberg stated that they are trying to communicate to the city as these plans are developed and stated that it is a non event and the contingency plans are to say no there is no organized event and yes, the City is realistic that some people will still show up there and because of that certain things need to be in place so that the City is prepared for public safety and with the work of David Perry and associates, the City, and the community to accept this policy decision, the Department will work its way through it. Captain Goldberg stated the Department will prioritize based on the seriousness of crime and focus on crimes of violence to a degree that problems can be abated before they start.

Commissioner Veronese expressed concern in that the community is not included in the planning of this non event.

Commissioner Sparks stated that she and the Chief have talked about this and had asked her if she would set up, either through Public Affairs or through the Captains, a district liaison for two or three weeks that people can call and actually get answers from or be told where they can call if they can't answer that question and the Chief has agreed to appoint that person and David Perry can advertise that liaison so that there is someone that people can call and get some human responses.

Commissioner Sparks asked that the Commission get an update on the following two meetings of the Commission from the Chief regarding the planning for Halloween. She also stated that the Commission will not meet on Halloween night but would like a follow-up meeting on the 7th of November and talk about how it worked. She also asked Ms. Cohen if she can be available on the 7th to talk about the city's perspective on how it went.

Mr. Ken McDonald addressed the question of notification for closure of the muni stations. He stated that the shut down of muni stations have been ongoing for the last nine months from Sunday to Thursday night every week

and they run buses from Van Ness Station all the way out to West Portal. Mr. McDonald stated that it will be closing an hour early and there will be notification.

Commissioner Sparks asked if COP, Castro on Patrol, will be involved. Captain Goldberg stated that the community can be involve by being the eyes and ears for the Department. Commissioner Sparks asked that the phone number to call be put out there.

Commissioner Sparks asked how is the Department going to deal with cars that are trapped. Captain Goldberg stated that that is why there is parking restrictions along the two blocks of Market Street and Castro Street because if there is an impact, historically, that's where the greatest impact has been.

Commissioner Sparks asked about cab stands. Captain Goldberg stated that as plans are firmed up, the Department will contact the Taxi Commission to distribute the information to the cab drivers.

Ms. Cohen talked about the issue of portable toilets and stated that decision is very much under consideration but she is not prepared to answer questions as to when and where. She also stated that DPW is aware of the situation and DPW personnel will be out before, during, and after the event.

Commissioner Sparks thank the representatives of the different City agencies and the community for their attendance and their input in this matter.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Review of Recent Activities

Chief Fong stated that with regards to the liaison, the Department will give out the Field Operations Bureau number and have Mr. Perry put that out as well and the Department will take questions and make a list of FAQs.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Commissioner Sparks stated that there will be a new Director, Ms. Joyce Hicks, who will be starting in a couple of weeks. Commissioner Sparks thanked Ms. Jean Field for taking charge of the OCC during a difficult time.

Ms. Field thanked the Commission for taking their time and effort in finding a new OCC Director.

Ms. Field stated that there is another delay in the move which is now scheduled for October 29th.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner Sparks stated that Commissioners DeJesus and Mazzucco met with Gary Delagnes, POA, to help establish a better working relationship and a better line of communication between the Commission and the POA. Commissioners Sparks also stated that she and Commissioner Marshall met with Gary Delagnes today for the same purpose and they talked about that a Commissioner will attempt to attend the POA Board of Director's Meeting on a monthly basis and will be given a time to address the entire POA Board of Directors. Also, the Commission will try to address the Police Employee Group meetings. Commissioner Sparks stated that she and Mr. Delagnes have made a mutual commitment to meet at least twice a month

individually to talk about issues so as to avoid future misunderstandings. Commissioner Sparks also stated they have agreed to open up communications when issues do arise and that they will work with one another and Commission with the POA to address those issues. The Commission will also establish a new mode of communications directly to the rank and file in a form of a Commission Bulletin to go out to district stations similar to a Department Bulletin.

Commissioner Mazzucco stated that yesterday's meeting was a great meeting with the POA. He stated that they had a great conversation and the lines of communications are open. He stated that they can agree to disagree on some issues but the bottom line is they have to work together on behalf of the officers and on behalf of the citizens of the city.

Commissioner Marshall stated that he appreciates the POA's candidness about their position and the willingness to move forward and that it was a very good meeting and is looking forward to moving forward.

Commissioner DeJesus stated that one of the focus in yesterday's meeting was a better way to do the subcommittee meeting and she stated that everybody learned from the first meeting and that it was a learning experience.

PUBLIC COMMENT
None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that on the 24th of October the Commission will be meeting at Sheridan Elementary School in the Taraval, 431 Capitol Avenue at 6:00 p.m.

Sergeant Reilly also announced that next week's calendar will include the Language DGO and that it is posted on the Department and the OCC's websites.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese would like to discuss the Patrol Special issue and that there are 10 applicants waiting to clear background and would like to put on the agenda the item that allows Patrol Specials to appeal to the Commission and decisions regarding patrol specials.

Commissioner Campos would like a report on the 10 applicants waiting to clear background.

PUBLIC COMMENT
None

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 9:07 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 17, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Status Report re: Patrol Special Officers

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3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports
   c. Presentation of the Police Commission's bi-monthly report of Closed Session Disciplinary Actions (Veronese Resolution)

5. Request of the Chief of Police for approval to adopt a resolution requesting the Board of Supervisors' approval to accept and expend funds from the Office of Emergency Services (OES), and any augmentations, extensions, and modifications, to implement the "California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET)" (ACTION ITEM)

6. Request of the Chief of Police for approval to adopt a resolution requesting the Board of Supervisors' approval to accept and expend funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), and any augmentations, extensions, and modifications, to implement the "COPSmeth 2007 San Francisco" (ACTION ITEM)

7. Discussion and possible action to adopt revised Department General Order 5.20, "Language Access Services for Limited English Proficient (LEP) Persons" (ACTION ITEM)

8. Approval of the minutes for the meetings of September 26, 2007 and October 3, 2007 (ACTION ITEM)

9. Commission Announcements (DISCUSSION ONLY)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 17, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

10. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

(CLOSED SESSION)
Roll Call.

11. Public Comment on all matters pertaining to Closed Session.

12. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

13. Closed Session

    a. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
    Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 07-004).

(Reconvene to **Open Session**)

14. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

15. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Taraval District, at Sheridan Elementary School, 431 Capitol Street, San Francisco, at 6:00 p.m., on Wednesday, October 24, 2007, to hear comments from the public and Taraval Station Captain Paul Chignell concerning public protections issues in the Taraval District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

OCTOBER 17, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, 5:54 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese

(Commissioner DeJesus arrived at 6:01 p.m. Commissioner Lee arrived at 6:05 p.m. Commissioner Veronese arrived at 7:18 p.m.)

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Status Report re: Patrol Special Officers

Taken out of order.

Chief Fong introduced Captain McDonagh, Southern Station, and Lt. Spillane who presented a Certificate of Appreciation to Mr. Aaron Michael Bergman.

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PUBLIC COMMENT

Hank Wilson asked the Commission to value community involvement and community event and would like it integrated to planning of events and evaluations.

Gary Delagnes, POA President, talked about a memorandum by the Commission and the subsequent meetings that followed. Mr. Delagnes stated that he asked some of the officers of Bayview to address the Commission about their concerns.

George Perez, Bayview Station, read a statement regarding concerns about the memorandum.

Liam Frost, Bayview Station, stated that the officers were disappointed and hurt when they read the memorandum and further discussed concerns regarding the memorandum.

Meesha Irizarry discussed survey about police evaluation.

David Cruz, Oral Board Member, discussed concerns regarding the memorandum.

Mary Harris, OMI Neighbors in Action, commended the police and stated that the police is part of their community and stated that there should be a mutual respect between the community and the police and asked that Commissioners Marshall and DeJesus apologize to the officers.

Commissioner Sparks stated that she will comment on the process within which this issue has been dealt with. Commissioner Sparks stated that the last meeting of the subcommittee and the meeting on November 1st in Visitation Valley are public meetings and noticed meetings and from now on there will be transcripts and transcripts will be published as to the minutes of the meeting so that specific statements made by the public will be made public to everyone. Commissioner Sparks also talked about two meetings with the POA where systems and procedures were developed to publish recommendations and findings from the task force meetings and the Department will be asked to response and those will be published also. Commissioner Sparks stated that these meetings will be noticed as full Commission meetings so that all Commissioners can attend if they so choose.

Commissioner Sparks also stated that she feels that there is a procedure in place, not only for these particular meetings but an issue of communication between the POA and the Commission. She stated that they have established a couple of new mechanisms. One is Mr. Delagnes and Commissioner Sparks

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have committed individually, at least once or twice every month, to bring issues of the POA directly to the Commission and Commission issues directly to the POA. Commissioner Sparks also talked about a new process similar to department bulletins which will go to all police officers. These bulletins will possibly be in two different types, an A Bulletin and a C Bulleting. This will allow the Commission to communicate directly to the rank and file. Commissioner Sparks stated that she does not anticipate that the POA and Commission are going to agree on everything but she does believe that it is only fair to the officers, to the Commission, and to the Association that there be an open and honest communication on all issues.

Commissioner DeJesus explained that the comments in the memorandum were views by the community. Commissioner DeJesus stated that instead of complaining, she stated that it is a good idea to listen with a critical ear to what the community is saying and look to see how the officers can organize themselves to try to fix the perception and change the perception.

Commissioner Marshall stated that the Commission reported what the community said and stated that at some point members of the community and the officers are going to have to get on the same page.

Commissioner Campos stated that there should be a way in which the community and the officers can speak to each other without being defensive.

Commissioner Mazzucco stated that this memo is going to produce some positive results. He stated that if this memo opened the door to what is an important part of this Commission because not only is the community present but number of officers from Bayview Station. Commissioner Mazzucco stated that that memo worked because it brought the officers forward to show the other side of the story. He stated that with reference to the memo, that is what the community is saying. He compared it to officers responding to calls, the officers take down what people say. The Commission, representing the people, needs to look at it but what does the Commission truly think about the officers of Bayview Station. Commissioner Mazzucco stated that the Commission honor the officers of Bayview Station. He stated that he knows that the officers of Bayview Station are in the toughest station in the city. He stated that the Commission has the ultimate respect for the men and women of Bayview Station. Commissioner Marshall works out in the Bayview and he know the good work of officers of the Bayview. Commissioner DeJesus has worked in city government and she knows how hard it is in the Bayview but we have to move forward. Commissioner Mazzucco stated that if this memo brings the officers to come to the meeting and tell the Commission that they feel, then it is a success because the Commission needs to hear what the officers feel and what the officers have to deal with on a daily basis. Commissioner Mazzucco stated that it is an honor to have the officers of Bayview at the meeting and stated that the Commission have trust with the POA and the officers of Bayview Station.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.20, "LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS"

Commissioner Sparks thanked everyone who spent so many hours working on this DGO, the OCC, members of the Department, and members of the Commission. Commissioner Sparks stated that what is presented is an excellent revision of the general order.

Deputy Chief Keohane stated that this order meets or exceeds all federal, state, and local requirements. Chief Keohane mentioned some of the agencies that have participated in the development of the order: The Asian Law Caucus, LaRaza Central Legal, Chinese for Affirmative Action, The

Community Policing Advisory Committee, and the Office of Citizen Complaints. Representatives who are present tonight to provide insight and testimony are Edwin Lee/City Administrator, Sonia Malera/Immigrants Rights Commissioner, Jill Tregor/Department on the Status of Women, Angela Chan/Asian Law Caucus, Rene Salcito/LaRaza Central Legal, and Samara Marion from the Office of Citizen Complaints.

Chief Keohane stated a number of forms have been translated to five different language: Russian, Chinese, Spanish, Vietnamese, and Tagalog. There are signs posted on all the Department public facilities advising the public of the service of free translations and officers are trained in the use of SFPD Telephone Interpreting Cards.

Chief Keohane introduced Sergeant Julie Lynch to present the General Order.

Sergeant Julie Lynch thanked Officers O'Donnell, Lujan, and Alves for their help in working with the DGO and presented the DGO presentation.

Sergeant Lynch introduced Ms. Samara Marion, OCC. Ms. Marion addressed the Commission regarding the DGO.

Commissioner Campos thanked the Department and the OCC for all the efforts that have gone into this general order. Commissioner Campos asked about training at the Police Academy and why in six months and not immediately. Ms. Marion stated that in meetings they developed scenarios and because of the complexity of what it would take to provide comprehensive training, they thought that it would take six months. Chief Keohane stated that with filming of scenarios, the Department has to work with community partners in order to develop these. But Chief Keohane stated that while this training will be taking place in approximately six months, training is already taking place on this order and has been on going within the department. The Department has issued the language access card and provided training in other means so that officers in the field today are able to connect people with limited English proficiency to translation services.

Commissioner Campos asked about the role of the language liaison officer. Chief Keohane stated that with the functions that will be performed by this individual, he foresee this individual being within the Planning Division where they have the ability to interact with both training facilities and so on.

Commissioner DeJesus stated that she is looking forward to hearing from the community in how the process went. She asked if the officers get an incentive for their additional skill. Chief Keohane stated that with the MOU through the Police Department, three languages are compensated automatically. These are Chinese, Spanish, and Russian. Officers that use language that aren't within that category, they can be compensated on as-needed basis.

Chief Fong acknowledged Mr. Edwin Lee, City Administrator. As the Department was working with the various community organizations and the Immigrant Rights Commission to compile an appropriate general order, the Department started having side conversations with the city administrator. The City Assessor had formed a task force last year and the Department was part of the department's that would be moved forward in the first steps. During the conversation with the City Administrator, he and the Office of Language Services with Tomas Lee and Sally Leong, the Department had meetings, not only with police investigators, but also with some CBOs to address situations such as domestic violence and those type of cases that require a greater sensitivity and where we would get those resources 24/7 to be able to be available for the officers and the community. Mr. Lee has a lot of great ideas that will be coming forth, not only personnel resources, but possible

equipment. Chief Fong commended Mr. Lee and thanked him.

Mr. Edwin Lee, City Administrator, thanked the Command Staff and Sergeant Lynch for working with him. He stated that this general order will be a model for many other Departments. He said he is going to take this DGO and use it as a model for other Departments.

Mr. Doug Pham, Immigrant Rights Commission, expressed their support for the general order and stated that they would help the Commission in any way they can.

Ms. Jill Tregor, Department on the Status of Women, stated that they conducted a safety and accountability audit and produced a report on that this January. She stated that one of the primary recommendations from the audit was that there had to be, across all systems in San Francisco, an urgent need to address the gaps in language access for domestic violence survivors and not having language access is putting them in increased danger.

Ms. Angela Chan, Asian Lau Caucus, talked about language access for parents whose children are going through the juvenile justice system. She urged the Commission to adopt the revised general order.

Ms. Carol Mo, Sunset Neighborhood Beacon Center, expressed her support and thanked the Commission for this revised general order. She talked about the concerns of the community in her work as a bilingual social worker.

Ms. Jen Gasan, Asian & Pacific Islander Youth Advocacy Network, discussed the importance of the general order for Asian & Pacific Islander families especially in dealing with the juvenile justice system.

Mr. Eddy Zeng, Community Youth Center-SF, expressed his support for the general order and how much it is needed by the community.

Mr. Ronnie Rhoe, Chinese for Affirmative Action, urged the Commission to adopt the general order as written and to insure the front end commitment of sufficient staffing and resources so that the plan can be carried out and hopes that SFPD will continue to be a model for other city departments in terms of language accessibility and for other police departments around the country.

Ms. Cindy Choy (Cantonese speaker), Visitation Valley resident, stated that recently her she and her friend was recently harassed and stated that when she called her District Station but when she requested for a translator, she was informed that they did not have any. She stated that she hopes for a Language Access Liaison Officer.

Ms. Un Un Che (Cantonese speaker), Chinatown Community, stated that it is important to pass the language general order because when she called 911 requesting for assistance, she had to wait because of the language barrier. She stated that she hopes the Police Department and the Emergency Management Department will work together to form a language access plan to help all people.

Jeanette Berger expressed concern stating that this will force people not to speak English and people should be encouraged to speak English.

Ms. Samara Marion provided letters from the Bay Area Immigrant Rights Commission and the Lawyer's Committee for Civil Rights.

Mr. Steve Johnson, POA, stated that the POA did not sign off on this general order not because it isn't a good idea, it is. It is a tremendous concept,

very sound, long overdue, and should be done. He stated that the POA is more concerned with the implementation. He stated that if this order is adopted and goes into effect tomorrow, what happens to the officer who has not seen it yet or an officer who has not had a training in this order. He stated that this is a huge order. He also expressed concern regarding training for the interpreters who will be conducting interrogations.

Commissioner Campos asked about 911 calls which is not covered in this order. Chief Fong stated that the Department of Emergency Management is a separate department. Chief Fong stated that they have policies and have access to the language line that the officers have access to and the Chief stated that the Department will follow up with the Department of Emergency Management.

Commissioner Lee commended the Department, the OCC, and all the stakeholders for this general order. Commissioner Lee stated that in addition to monitoring this general order, that everybody continues to work together to make sure that eventually we have a Department that really reflect the community it serves. Commissioner Lee also talked about the liaison officer and stated that it is going to be difficult to expect one individual to do all the work. Commissioner Lee asked the Chief who would be the best person to be liaison and if resources can be obtained. Chief Fong stated that she is planning on one liaison officer but depending on the amount of work it may be more than one and could be a sworn or non sworn member of the Department.

Commissioner Lee talked about the 911 issue. Chief Fong stated that they are talking about putting the order in a shorter version so that the Department can make it very clear to the members and to the community.

Commissioner Veronese asked if 311 has access to the language line. Mr. Lee stated yes, it does. Commissioner Veronese asked about the fiscal impact of the general order. Chief Fong stated that there is a fiscal impact in that when there was discussions with the City Administrator, he said that if this is something that a number of city agencies are required to provide and obtain services for then it should come out of one spot and that one entity within the city government should be coordinating all of that. Mr. Lee also explained that this is why the language line contract is centralized under City Administrative because of volume discounts.

Commissioner Veronese asked that six months from now, if the Department can survey the officers on ways that it can be improve on and asked if the Chief can give a status report after six months.

Commissioner Mazzucco thanked everybody that were involved and thanked the speakers. Commissioner Mazzucco stated that he agrees with Commissioner Campos in that there should be time and adequate training for the officers before they are held responsible for this. He also stated that the way the statute is worded, the officers have to take reasonable steps and they are allowed to deviate from the order if there is exigent circumstances.

Commissioner Lee suggested that there be bilingual officers in the SRO program.

Commissioner Sparks asked if the Department can look at a citywide newsletter for people with limited English proficiency. Commissioner Campos asked how will there be continued community oversight of implementation and asked if there is a plan for that. Ms. Marion stated that people are committed to being involved. Deputy Chief Keohane stated that one of the ways is as the Department move forward to the training, the Department is going to have to bring the community back together to give ideas for the videos and how to put in the cultural competency. Chief Keohane also stated that this could be put

out to the district station advising them and information could be put out through the various community newspapers advising them of the various processes.

Commissioner Sparks asked if it is possible for the 911 dispatchers to participate in some of the training to get them involved in the process. Chief Fong stated that the Department will call the Chief in Vallejo and have a conversation and maybe have a copy of the general order. Commissioner Sparks also suggested to have the direct line in the outreach cards in addition to the 911 line.

Commissioner Sparks asked that Commissioner Campos be liaison in regards to this general order.

Motion by Commissioner Campos, second by Commissioner Lee to adopt revised general order 5.20.

AYES: Commissioners Lee, Marshall, Mazzucco, Sparks, Veronese, Campos, DeJesus.

RESOLUTION NO. 89-07

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 5.20, "LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 5.20, "Language Access Services for Limited English Proficient (LEP) Persons."

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese

CHIEF'S REPORT (continued)

a. Update on significant policing efforts by Department members

b. Status Report re: Patrol Special Officers

Chief Fong stated that the Chief's Special Agent Association had an award ceremony and stated that six officers from the SFPD were honored included Officer Brian Tuvera who was honored posthumously. The five awards went to Officers Eric Chang, Greg Buhagiar, Sergeant Matt O'Leary, Inspector James Ramsey, and Inspector Alvin Wong. The officer of the year went to Officer Kevin Healy who served as a decoy in San Francisco and has been robbed over 500 times.

Deputy Chief Shinn, FOB, presented the status report in regards to Assistant Patrol Specials applicants. Chief Shinn stated there are eight outstanding applicants that the department has received. Applicant #1, there is a problem hold because the applicant does not possess a high school diploma or GED and the applicant is in the process of trying to acquire that mandate. Applicant #2, there is an executive summary and the process of being drafted. The executive summary is the recommendation for either approval or disapproval of that applicant. The other issue is that the character reference letters that the applicants was asked to provide, there is a number of applications that were returned and delivered. The applicant was asked to provide the Department with the most current addresses. Applicant #3, there is a problem hold. There is a lawsuit that was filed against the City and County of SF and the department has asked for the City Attorney for those documents and what the outcome of that was. Applicant #4, has been completed and is waiting decision by the Chief. Applicant #5, there is a problem hold in that the applicant has not provided a private background investigation or has the

applicant submitted the required release of information waivers. Applicant #6, there is a problem hold in that the applicant has not submitted the required personal history statement or the release of information waivers that is needed for the background to continue and no private background has been submitted. Applicant #7, the applicant does not possess the required minimum training certification for this position and is currently in training awaiting that completion. Applicant #8, not all the applicant's character reference letter have been received and contact made for current addresses so that they can be resent. Applicant #9, was just received and is under submission.

Commissioner Sparks stated that she received a letter from Ms. Jane Warner, at her request, and she gave the name of 11 individuals who have applications pending and another five rejected for unknown reasons. Commissioner Sparks stated that she will give Chief Shinn a copy of the letter and get a copy of Chief Shinn's list to try and coordinate the two lists. Commissioner Sparks expressed concerns that in so many times there seems to be conflicting statements. Commissioner Sparks stated that she will try to expedite to have the new policies and procedures in place and that she will work with Commissioner Lee and the City Attorney to expedite this issue.

Commissioner Sparks asked about 832. Deputy Chief Shinn stated 832 are provisions under the Penal Code for specific training that officers are required by the Peace Officers' Standards and Training to go through. Chief Shinn stated that some of the training mentioned in 832 is some of the standards for security officers.

Commissioner Campos stated that in terms of the eight applications that were mentioned, Commissioner Campos would like the City Attorney to think about a creative way in which the Department and the Commission can have a substantive discussion about the applicants not only involves the perspective of the Department but also the perspective of the applicants and the Patrol Specials.

Commissioner Campos asked how many applications were received in the past year. Chief Shinn stated that in the fiscal year 2006/2007, there were 11 applications. Out of the 11 applications, none were approved. One has been completed and is waiting decision of the Chief. For fiscal year 2005/2006, nine applications, four appointed, one denied, three withdrawn, and one with a problem hold. Commissioner Campos stated that there should be a way to have a substantive discussion.

Commissioner Veronese stated that there should be an appeal process for Patrol Special Officers and ask that it be put on the agenda.

Commissioner Mazzucco asked about the background checks. Chief Shinn stated that patrol specials are not held to the astringent regulations that is held for a Q2 police officer in San Francisco. They are not required to take a polygraph test, there is no drug testing or screening, there is no psychological tests that are given to the applicants. As far as the background packets, they are similar to the Q2s. They are not required to go through the police background investigators. They are to provide their own private background that is reviewed by a background investigator. Chief Shinn stated that often times the investigator finds that the background investigation that's done on it is incomplete or inaccurate and that brings in a lot of delays in the process. Chief Shinn stated that Sergeant Craig Tom is working full time now in working with patrol special backgrounds. Chief Shinn also stated that they are not required to be certified under 832 of the Penal Code to become a peace officer in order to patrol in San Francisco.

Commissioner Mazzucco asked if training is provided to patrol specials. Chief Shinn stated that training provided is on a yearly basis. Chief

Shinn stated that patrol specials are required to pay for that training and there has been some resistance by the patrol specials to pay for the training. Commissioner Mazzucco stated that Jane Warner had informed him that the patrol specials have to pay $25 to use the Range and Commissioner Mazzucco asked if that fee could be waived so that patrol specials can qualify. Chief Shinn stated he will look into it.

Commissioner Sparks asked if they are qualified with their Range capabilities. Chief Shinn stated that they are required to certify at the Range.

Commissioner Mazzucco asked Jane Warner how many of the patrol specials have their 832 certificates. (Ms. Warner's reply is inaudible.) Commissioner Mazzucco stated that the Commission wouldn't want police officers out on the street not trained and hopes that patrol specials would have the same level of training if they are going to wear this uniform to represent the City and County of San Francisco.

Commissioner Sparks asked about training. Ms. Warner stated that they have not been trained in four years and they are supposed to receive training every year. Ms. Warner stated that it is not because they have not paid for it or offered to pay for it. She said that they will pay for it. Commissioner Sparks asked what is the process to schedule training. Ms. Warner stated that in the past the Department has notified them of the annual training and they qualify bi-annually at the range. Ms. Warner stated that if they don't qualify, they cannot carry a firearm. She also stated that patrol specials assistants who did not have a gun card would not be able to qualify.

Commissioner Sparks asked Deputy Chief Shinn what are the requirements for a Gun and Guard Card. Chief Shinn stated that there is a different requirement from a patrol special than from an assistant patrol special. Assistant patrol specials are required to have a consumer guard card and armed card, a patrol special is not required to have that. Chief Shinn also stated that they are notified by Sgt. Craig Tom about requirement for the firearms range every six months.

Commissioner Marshall stated what can the Commission do about this whole thing. He stated that the Commission needs guidelines on what the Commission can do with the issue of Patrol Specials. Ms. Molly Stump, Deputy City Attorney, stated that she can meet with the Commission so that the Commissioners can ask specific questions because there are many issues that have been on the table. Ms. Stump stated that the Commission has a set of rules and the rules are adopted by the Commission, by a majority vote, and they need to be changed through a process that's set out in the Charter whereby the public is given ten days notice of change of rules. As far as what the Commission's options are with respect to which rules can be changed, what it is the Commission is interested in doing, what are the implications of that, those are more complicated questions and Ms. Stump stated she needs to talk to the Commission in specifics in order to understand what the options are. Commissioner Marshall asked if that can be done in closed session. Ms. Stump stated that as far as a comprehensive discussion, probably not. Ms. Stump stated that her office have given a lot of advise through the mechanisms that are available to them in terms of the legal options. As far as the policy discussions that need to happen, those are open session items for the most part.

Commissioner Sparks stated that Commissioner Lee has volunteered to review the rules and procedures. Commissioner Sparks stated that the solution is to review and revised the rules and regulations. Commissioner Sparks stated that maybe the Commission can schedule a Saturday and notice it and sit down with the City Attorney and go through them page-by-page and we change them and everybody can get their input and get them done. Commissioner Sparks suggested that it is important to commit a block of time to try and get some

way through this.

Commissioner Marshall stated he is willing to go into a substantive process rather than just discussing it.

Commissioner Lee asked if she could send proposed changes in draft form to everybody so that can be a starting point. Ms. Stump stated that that would be a public document at that point. Commissioner Sparks agreed to do that so that there is a starting point.

Commissioner Veronese agreed and that needs to be done and that it be available to the public and all stakeholders should have input. Commissioner Veronese stated that in the mean time there should be an answer from the Commission. He stated that there should be an appeal process set up now and on the agenda as soon as possible. Ms. Stump stated that with respect to the items that have due process implications, the rules provide for the item either to come directly to the Commission for a vote in the case of approval of a patrol special to conduct themselves as a patrol special or there is a Chief's discipline process for the assistants and there may be an appeal process on that. Ms. Stump stated that with respect to the items that are management that the Commission has said that the Police Department should manage the Patrol Special Program and there are detailed procedures for that in the Rules. If you wish to review how the Police Department is doing that, the Charter said that that's an administrative matter of the Police Department. The Commission can hold a hearing, provide the Chief direction but the Commission is to provide that direction through the Chief to the Police Department. Ms. Stump stated that she needs to talk to the Commission about what the specific Commissioner's idea is in terms of what items would come before the Commission for appeal. It is not what the Charter contemplates that individual decisions that are made by Department personnel are appealable to Commissions. Ms. Stump stated that Commissions are rule making and policy making bodies except for those specific due process items that are provided in the Charter.

Commissioner Sparks asked if it is really a Charter provision that specifically states that or is it the provision that was granted the Department based on a ruling of the Commission which gave the Department that authority. If that authority was revoked or removed from the Department by this Commission, then would this Commission have the ability, under the Charter, to specifically regulate the patrol specials. Ms. Stump stated that she does not know the answer to that question.

Commissioner Veronese stated that he doesn't think the Commission needs to go and repeal the rules. He stated that this is a determination by the Department that is preventing people from being hired and stated that as for the gun card rule, that gun card could prevent every single one of the patrol specials from being able to be employed as patrol specials and that decision can clearly could come to the Commission.

Commissioner Sparks asked if there is a specific appeal process in the rules and regulations. Ms. Stump stated that there is none. Commissioner Sparks asked if there isn't, can the Commission add that as an additional provision amending the rules and add a separate provision which is a direct appeal process. Ms. Stump suggested that there be a discussion, off line, about specifically what type of decisions the Commission is interested in reviewing because at a general matter, the Commission and all Commissions, do not sit in appeal of administrative and operational decisions that are made by city departments.

Commissioner Sparks asked that Commissioner Veronese get together with Ms. Stump and discuss specifically what he is proposing for resolution

and she'll be happy to agendize it as soon as it is ready to go. In the mean time, Commissioner Sparks would like a copy of Commissioner Lee's draft to review.

Commissioner Lee requested that three Commissioners first look at the draft before a formal presentation is made to the full Commission. Commissioners agreed to that.

Commissioner Mazzucco stated that he thinks that Patrol Specials should be held to the same exact standards of background checks as any member of the San Francisco Police Department or any member of the Department's Reserves. Commissioner Mazzucco stated that he is also concern about the training and stated that if Patrol Specials want to have the respect to wear that uniform and wear that patch, they should have the 832 peace officer training, go through an academy. He stated that they are wearing a very similar uniforms as everybody else and they should have that training, be fully trained, for their own safety, the safety of the citizens, and the safety of the police officers out on the streets. He stated that if they are going to wear that uniform, they have to have that training.

Commissioner DeJesus discussed some concerns regarding emails sent that contradicts the information that the City Attorney has provided. She also expressed concerns regarding the gun card issue and stated concerns regarding rules being suspended and stated that the Commission never ruled that the rules are suspended and there are rules in place and the Commission has put the Department in charge of the patrol specialists on a day to day basis and that has to stay in place until the Commission decides what steps to take but stated that the Commission has to be educated on this issue to make an educated decision that works with the patrol specials, the department, and the citizens.

Commissioner Sparks explained that the rules are not suspended and stated that the agreement between the Commission and Chief Shinn was that the rules will be enforced evenly as they have been rather than any new interpretations of the rules which had not been done prior.

Commissioner Sparks would like from the City Attorney is clarification as to what the Commission can and cannot discuss in public session, what the Commission has to do in private session versus public session, and if it is all in public session, are releases needed from individual officers. Ms. Stump stated she will provide that to the Commission.

Commander Tacchini gave a brief overview of what is being done in anticipation of activities related to Halloween.

Commissioner Sparks acknowledged the time that went into planning for this and thanked everybody involved. Commissioner Sparks asked the issue that came up last week in regards to the Department not participating in community meetings and asked if the Department will be present on tomorrow' night's meeting at the Eureka Valley Recreation Center. Commander Tacchini stated that Captain Goldberg and Deputy Chief Shinn will be in attendance and stated that Mr. Allan White will be liaison from the Community and Lt. Nicole Greely will be liaison from the Department.

Commissioner Sparks asked if the issue about portable toilets have been resolved. Commander Tacchini stated that the City is still looking into that. Commissioner Sparks also acknowledged and thanked Captain Goldberg for all the work that he has done.

PUBLIC COMMENT

Jeanette Berger discussed concerns.

OCC DIRECTOR'S REPORT

a. **Review of Recent Activities**

Ms. Jean Field report that the move is still set for October 29th.

COMMISSION REPORTS

a. **Commission President's Report**
b. **Commissioners' Reports**
c. **Presentation of the Police Commission's bi-monthly report of Closed Session Disciplinary Actions (Veronese Resolution)**

None

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF EMERGENCY SERVICES (OES), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (CAL-MMET)"

Commissioner Veronese asked to be recused from this item.

Motion by Commissioner Campos, second by Commissioner Marshall to recuse Commissioner Veronese from this item. Approved 6-0.

Motion by Commissioner Campos, second by Commissioner Marshall to approve this item. Approved 6-0.

RESOLUTION NO. 87-07

APPROVAL OF THE CHIEF'S REQUEST URGING THE COMMISSION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF EMERGENCY SERVICES (OES), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (Cal-MMET)"

RESOLVED, that the Police Commission hereby asks the Board of Supervisors for approval to accept and expend funds from the Office of Emergency Services (OES), and any augmentations, extensions and modifications, to implement the "California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET)."

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco
RECUSED: Commissioner Veronese

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "COPSMETH 2007 SAN FRANCISCO"

Commissioner Mazzucco asked that he be recused from this item as he nominated the Department for this grant.

Motion by Commissioner Veronese, second by Commissioner Campos to recuse Commissioner Mazzucco. Approved 6-0.

Motion by Commissioner Campos, second by Commissioner Veronese to approve this item. Approved 6-0

RESOLUTION NO. 88-07

APPROVAL OF THE CHIEF'S REQUEST URGING THE COMMISSION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "COPSmeth 2007 SAN FRANCISCO"

RESOLVED, that the Police Commission hereby asks the Board of Supervisors for approval to accept and expend funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), and any augmentations, extensions and modifications, to implement the "COPSmeth 2007 San Francisco."

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Veronese
RECUSED: Commissioner Mazzucco

APPROVAL OF THE MINUTES FOR THE MEETINGS OF SEPTEMBER 26, 2007 AND OCTOBER 3, 2007

Motion by Commission by Commissioner Campos, second by Commissioner Marshall. Approved 7-0.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission will meet in the Taraval District next week, October 24th, at the Sheridan Elementary School, 431 Capitol Street, San Francisco, at 6:00 p.m. The Commission will also have its Subcommittee Meeting on Violent Crimes on Thursday, November 1st, in the Visitation Valley neighborhood, 66 Raymond Street, at 6:00 p.m. The Commission will not meet on Wednesday, October 31st.

Commissioner Sparks stated that she will be out all of next week.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner DeJesus would like a presentation on the Department's on gang injunctions for November 7th. Chief Fong stated she needs to check with the City Attorney. Commissioner Sparks stated that what Commissioner DeJesus is asking is what the Department provides and how is it provided to the City Attorney and what the Department's role is in the process.

Commissioner Campos would like a report from the Department in regards to Supervisor Ammiano's legislation that would provide I.D. cards to people who are undocumented and what impact that would have in terms of the operations of the Department. Chief Fong stated that the Department is meeting with Pilar from Supervisor Ammiano's office and following that meeting the Department can do a briefing depending on when it will be on the Supervisor's calendar. Commissioner Sparks stated either November 7th or 14th.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Marshall. Approved 7-0.

CLOSED SESSION

a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 07-004).

(Present: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese, Chief Fong, Sergeant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Veronese, second by Commissioner Campos for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner Marshall. Approved 7-0.

Thereafter, the meeting was adjourned at 10:00 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 24, 2007
6:00 p.m.

TARAVAL DISTRICT
Sheridan Elementary School
431 Capitol Avenue
San Francisco, California

(Closed Session) 5:30 p.m.

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   a. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 07-004).

(Open Session) 6:00 p.m.

Roll Call; Pledge of Allegiance

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 24, 2007
6:00 p.m.

TARAVAL DISTRICT
Sheridan Elementary School
431 Capitol Avenue
San Francisco, California

6. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

7. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

8. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

9. Commission Announcements (DISCUSSION ONLY)

10. Captain Paul Chignell, Commanding Officer of Taraval Station, to address the Commission on Police Activities in the Taraval District (DISCUSSION ONLY)

11. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

12. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

Please note:
The Police Commission sub-Committee on Violent Crime will hold a special meeting on Thursday, November 1, 2007, in the Visitacion Valley Neighborhood at the Visitacion Valley Community Center, 66 Raymond Avenue, 6 p.m. to 8 p.m.

The Police Commission

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Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: Sheridan Elementary School, 431 Capitol Street, San Francisco

Accessible MUNI lines serving this location is: M Oceanview Line
For information about MUNI service call 923 6142

The closest BART Station is: Daly City Line

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

San Francisco Police Commission
Community Meeting

Taraval District
Oceanview Neighborhood

Wednesday, October 24, 2007
6:00 P.M.

Sheridan Elementary School
431 Capitol Avenue
San Francisco

OCTOBER 24, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Taraval District, Sheridan Elementary School, 431 Capitol Avenue, San Francisco, at 6:15 p.m.

PRESENT: Commissioners Marshall, DeJesus, Lee, Mazzucco
ABSENT: Commissioners Sparks, Veronese, Campos

(Commissioner DeJesus arrived at 6: 50 p.m.)

Commissioner Marshall introduced newly appointed Supervisor Carmen Chu who addressed the Commission and the public. Supervisor Chu thanked the Taraval Station officers and Captain Chignell for a job well done.

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong talked about Inspector Carl Bonner and because of his involvement with other agencies, a number of search warrants were served today, 30 people taken into custody, 17 with federal indictments, and 13 arrested for state violations. The officers recovered $13,000 in cash, narcotics with a street value close to a million dollars, five assault weapons, five shot guns, 4 rifles, and 7 handguns.

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Chief Fong introduced the command staff present. Present were Deputy Chief Keohane, Deputy Chief Shinn, Deputy Chief Craig, and Commander Tacchini.

Chief Fong deferred her time to Captain Chignell.

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Ms. Jean Field, Interim OCC Director, talked about the function and responsibilities of the OCC. She stated that the office has moved to 25 Van Ness.

CAPTAIN PAUL CHIGNELL, COMMANDING OFFICER OF TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain Chignell addressed the Commission on police activities in the Taraval District. Captain Chignell talked about the demographics of Taraval Station.

Commissioner Marshall announced that Commissioner DeJesus has just arrived and official called the meeting to order.

Official meeting convened at 6:51 p.m.

Commissioner Marshall asked the Commissioner to introduce themselves.

PUBLIC COMMENT

Unidentified discussed concerns regarding action of officers against juveniles and stated that officers are out of control.

Jeanette Berger commended Captain Chignell and commended officers of Taraval Station.

Inspector Frank Lee discussed concerns regarding grievance filed by

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him in regards to the Homicide interview selection process and asked the Commission to instruct the Chief of Police to transfer him to the Homicide Detail and stated that Department needs more minority inspectors in the Homicide Detail.

Gwen Brown, Case Manager Inner City Youths, commended the Captain for assigned sergeant to CBOs and asked for more services accessible to young people in the neighborhood.

Curtis Aaron, Park and Rec, would like to work with the police and the young people in the community.

Brandon Jackson discussed concerns regarding gym closing down and discussed concerns regarding money concerns and actions by police.

Mary Harris, President OMI Neighbors in Action, discussed concerns regarding the rec center being torn down and stated that everybody is trying to work as hard as they can and stated that officers are asked to do what they do and stated that it is hard without the facilities that they had.

Una Gilliswile, Program Director SF SAFE, talked about their program and discussed concerns regarding fees for putting up neighborhood watch signs.

Shanay Morgan, OMI Center, discussed concerns regarding comments made by youths in the audience and stated that officers should stop and talk and interact with the kids and asked that kids be given the guidance.

Unidentified, Inner City Youth, talked about life in the streets and how hard it is for kids out in the streets and asked for support and solutions.

Captain Chignell addressed some of the concerns and stated that he feels that more needs to be done and stated that he will meet, he will communicate and get to work.

Commissioner Marshall stated that hopefully there will be communications between the community and the officers.

Commissioner DeJesus asked that the Captain is new but encouraged the community to take the opportunity to get to know him because he is willing to listen and work with the community.

Commissioner Marshall addressed the young men who spoke and offered the Omega Boys Club to them and stated that he can change their future if they are willing to work with him.

Commissioner Lee asked how many SROs. Captain Chignell stated that there is five SROs in the District and explained where they are assigned.

Captain Chignell stated that he support his officers without equivocation and stated that the data that he had looked at in terms of arrests, the complaints, the letters, the calls, the support for the officers in the community is very consistent and stated that the officers do a tremendous job. He stated that the officers are going to reach out to people and meet them halfway.

Commissioner Marshall addressed the officers and stated that he wants them to do their jobs and thanked them for staying.

Commissioner Mazzucco stated that he is familiar with the officers in the TNT and stated that they are hard working and very good officers and he sees the young men who are concern about their community and stated that there is a great Captain out here to bring the two groups together and have an open line of communication. He encouraged the young men to work with Dr. Marshall because there is no excuse for anybody to say that they have no option but to go out and commit a felony and sell drugs.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission's Subcommittee on Violent Crime will hold a meeting on Thursday, November 1st, in the Visitation Valley Community Center, 66 Raymond Avenue, at 6:00 p.m.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner DeJesus would like policy and procedures of recruitment, promotions, and retention and would like to know if the Homicide Unit is different and apart from the other selection process and what is the policy surrounding that and why and what kind of procedure is being used and would like to calendar something in that regard.

PUBLIC COMMENT

Mr. Steve Johnson, POA, discussed concerns about the officers being set up and stated that the officers are doing a great job.

Commissioner Marshall commented and stated that he did not know what anyone was going to say.

Inspector Lee thanked Commissioner DeJesus for having the Homicide Unit's selection process.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Marshall. Approved 4-0.

CLOSED SESSION (7:50 p.m.)

a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following an officer involved shooting (OIS Case No. 07-004).

PRESENT: Commissioners Marshall, DeJesus, Lee, Mazzucco, Chief Fong

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Mazzucco for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Marshall. Approved 4-0.

Thereafter, the meeting was adjourned.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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cancelled

The Commission will not meet on Wednesday, October 31, 2007.

Please join the Commission at its next meeting on Wednesday, November 7, 2007, at 5:30 p.m., in Room 400, at City Hall.

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   a. Pursuant to Government Code section 54956.9 and San Francisco Administrative Code Section 67.10(d):
   CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
   City as Defendant (Number of potential cases: 1)

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(Open Session)

Roll Call; Pledge of Allegiance

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

6. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Presentation re: Post Halloween Report
   c. Presentation re: Supervisor Ammiano's Municipal I.D. Legislation

7. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

8. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

9. Presentation re: The Department's Training with respect to Single Room Occupancy (SRO) Residence (DISCUSSION ONLY)

10. Discussion and possible action to adopt revised Department General Order 3.09, "Department Awards" (ACTION ITEM)

11. Discussion and possible action to adopt a resolution in support of the Board of Supervisors' Resolution urging the Attorney General to clarify how Penal Code 3003 and the transient provision in Penal Code 290 apply to Jessica's Law (Proposition 83) (ACTION ITEM)

12. Request of the Chief of Police for approval to adopt a resolution requesting the Board of Supervisors' approval to accept and expend funds from the U.S. Department of Justice, Bureau of Justice Assistance (BJA), and any augmentations, extensions, and modifications, to implement the "Byrne 2007 Discretionary Grant Program; BJA - Targeting Violent Crime Initiative" (ACTION ITEM)

13. Request of the Chief of Police for approval to adopt a resolution requesting the Board of Supervisors' approval to accept and expend funds from the Governor's Office of Emergency Services (OES), and any augmentations, extensions, and modifications, to implement the "Anti-Gang Initiative/Project Search & Rescue" program (ACTION ITEM)

14. Approval of the minutes for the meetings of October 10, 2007 and October 17, 2007 (ACTION ITEM)

15. Commission Announcements (DISCUSSION ONLY)

16. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

17. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Park District, at Grattan Elementary School, 165 Grattan Street, San Francisco, at 6:00 p.m., on Wednesday, November 28, 2007, to hear comments from the public and Park Station Captain John Ehrlich concerning public protections issues in the Park District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

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The closest BART Station is: Civic Center

Accessible parking _____

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NOVEMBER 7, 2007 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Veronese, Campos, DeJesus, Lee, Mazzucco

(Commissioner DeJesus arrived at 5:57 p.m.)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 7-0.

CLOSED SESSION (5:48 p.m. to 6:48 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation**
City as Defendant (Number of potential cases: 1)

(Present: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese, Chief Fong, City Attorney Stump)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall for non disclosure. Approved 6-0.

PUBLIC COMMENT

Meesha Irizarry discussed concerns regarding gang injunctions.
Marlon Crump discussed SRO issues.
Sylvia Johnson discussed concerns.
Frank Lee discussed concerns regarding homicide selection interview process.
Peter Alexander Chernoff discussed concerns regarding missing children cases.
Amandeef Jawa discussed concerns regarding the handling of Halloween events and actions of police.
Jeff Adachi, Public Defender, gave a brief update on gang injunctions.
Damone Hale discussed concerns regarding gang injunctions.
Ted Strasser discussed concerns regarding closing of BART on Halloween night without public input.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THE BOARD OF SUPERVISORS' RESOLUTION URGING THE ATTORNEY GENERAL TO CLARIFY HOW PENAL CODE 3003 AND THE TRANSIENT PROVISION IN PENAL CODE 290 APPLY TO JESSICA'S LAW (PROPOSITION 83)

Lieutenant Dan Leydon, Sexual Assault Detail, gave a brief presentation regarding the Department's practice on 290 registration.

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Commissioner Veronese explained the reason for his resolution.

Commissioner Campos discussed concerns about penalizing the status of people without necessarily looking at actions and stated that he will be voting against this resolution because he stated that there are better ways, as a Commission, can promote the safety of children.

Commissioner Mazzucco explained that if somebody is convicted of sexual assault, this is the only crime, where they can go to prison and once their time is expired to go to prison, they can be re-incarcerated if the professionals feel that these individuals are no longer able to be out into society because there is a strong recognition that sexual offenders do re-offend and they are a threat to the society. Commissioner Mazzucco also stated that even the Federal Court has recognized the need to strongly supervise sexual offenders or 290 registrants and stated that the 9th Circuit Court of Appeals ruled, based upon the evidence they had before them, that a registered sex offender from the Federal System can be placed on a lifetime of supervision. Commissioner Mazzucco stated that the Commission should urge the California Department of Corrections not to give the advise to tell these people being released from State Prison that they should register as transients because they can't give people loophole to avoid what's already in the court system.

Commissioner Lee stated that she does not see the need for this resolution but she does see the need for the Police Department to work with other folks because, just by a resolution from San Francisco, she does not see how a State Department is going to completely turn its policy.

Lieutenant Leydon stated that of the two options, the Department would prefer to have somebody in a residence because it is easier and better for the Department to monitor them for them compliance than telling them to be homeless.

Commissioner DeJesus stated that there is some confusion as to who is going to put the restrictions. Chief Fong stated that the GPS are for high risks offenders. Commissioner DeJesus clarified that what the Commission is doing is telling the Parole Division to take away the loophole, comply with the law and make them register.

Commissioner Sparks asked if everyone who is in violation of Jessica's Law arrested because they are living within confines or is that part of the law ignored so that the Department knows where they are living. Lieutenant Leydon stated that arrest will be made if somebody is not in compliance with Jessica's Law and the Department is working with parole and figure out what options are going to be and what course they are going to take.

Inspector Poelstra, Sex Offenders Unit, explained that the problem with Jessica's Law is there is no punishment for it. When the law was adopted, there is no section for the police to arrest somebody for violating Jessica's Law. When the law was written, there is no penalty. What they did is parole has made a condition of parole for everybody who is paroled after November 8, 2006, that if they come out of parole, Jessica's Law would apply and parolees are served with a notification saying that this is a condition of your parole.

Commissioner Sparks asked, absent the resolution, what would be the intent of the Department relative to (a) people who were living within the jurisdiction that have registered and in violation of Jessica's law or (b) people who registered as transients, what would be the Department's intent as far as tracking these people and enforcing or not enforcing Jessica's Law. Lieutenant Leydon stated that the Department would fall back to the 290 of the Penal Code which is compliance checks. Inspector Poelstra stated that there are about 130 people that are registered transients prior to this and it's always been

available to sex registrants to register as transients and if they are registered transients, they have to come in every 30 days. Unfortunately, the transient registrants are generally the ones that are in and out of custody for numerous petty theft crimes, et cetera, so they do come in and out of compliance regularly.

Commissioner Veronese explained that there is a lot of rewording in the resolution that is just a restatement of the law. He explained that the Commission is not saying to the Department to go arrest people because they are in violation of Jessica's Law. The Commission is letting the Courts deal with Jessica's Law. He stated that what the Commission is saying, because of the new CDC policy, people are registering as transients that are not transients and the Department wants to know where they are living. He explained that if that is not enforced, the city will become a sanctuary in the State of California for 290 registrants wanting to hide from their registration.

Commissioner Campos stated that the place to address this issue should be Sacramento who can look at this issue and find a way that looks at the issue, not only for San Francisco, but for the entire State. Commissioner Campos also stated that he would like to hear from the California Department of Corrections and would like to know if there are policy considerations that they took into account in making their decision. Commissioner Campos stated that he would rather wait and get more information before taking any action.

Commissioner Lee moved that this item be tabled until more information is available. Commissioner Lee moved that it be tabled and revisited in two weeks. Second by Commissioner DeJesus.

Commissioner DeJesus stated that she needs for information to make an informed decision.

Commissioner Marshall supports that it be tabled.

PUBLIC COMMENT

Meesha Irizarry discussed concerns of not having rehabilitation for these individuals.

Inspector Lee, Sex Crimes, stated that the current laws on the books are good enough and that the officers on the streets will locate and apprehend these people.

Unidentified discussed concerns.

Commissioner Sparks stated that she would like this item back on the agenda for December 5th and to have a representative from the CDC present, and get a written clarification from the Department as to what their intent would be as far as going forward and as far as enforcement of Jessica's Law as written.

Motion by Commissioner Lee to table this item until December 5th. Second by Commissioner Veronese.

AYES: Commissioners Marshall, Mazzucco, Sparks, Veronese, Campos, DeJesus, Lee

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Presentation re: Post Halloween Report
c. Presentation re: Supervisor Ammiano's Municipal I.D. Legislation

Chief Fong asked that Chief Shinn starts with the Post Halloween Report.

Deputy Chief Shinn gave brief recap in regards to Halloween night.

Commissioner DeJesus stated that Supervisor Dufty and the Commission wanted to thank the Department for keeping San Francisco safe.

Commissioner Veronese thanked the Department and Supervisor Dufty.

PUBLIC COMMENT

Unidentified discussed concerns.

Alex Rosenthal, Citizens for Halloween, stated that her organization would like to have a safe and fun event and discussed concerns in closing Muni and Bart stations. She also discussed concerns regarding threats made to Bart about closing.

Mark Dryer commended the Commission and the Department for taking care of the Castro community on Halloween night.

Hank Wilson stated that he had made a request about Halloween data from 2000 to 2006 and stated that he made a formal Sunshine request to have data by December. He also talked about liability coverage.

Gary Virginia, Castro resident, thanked the Commission and the Department for having a public hearing. He stated that he has 11 questions to submit to the Commission and the Department. He also discussed concerns regarding threats by the Fire Department and Police Department to businesses in staying open on Halloween night.

Bill Wilson, Harvey Milk Academy, discussed concerns regarding teachers parking on the Castro and concerns about having their cars towed and perhaps there is a way to identify those who have to legitimately stay until 3 p.m. He also commended Sergeant Chuck Lambert for his actions.

Matthew Grandley discussed concerns regarding intimidation by police going into businesses about closing for Halloween.

Commissioner Campos thanked Patrol Specials officers for their help on Halloween night.

Deputy Chief Shinn stated the Muni stations were closed one hour earlier which was a joint decision by the stakeholders. Chief Shinn also addressed concerns about threats to Bart and stated that there was absolutely no treats made to Bart. Chief Shinn also stated that the Department will work earlier for next year's planning and will have the community involved. Chief Shinn also stated that no threats were made to businesses. Chief Shinn thanked the officers that were out there and thanked Captain Goldberg and his crew for all the work they've done.

Commissioner Sparks thanked Captain Goldberg and the Department for doing an excellent job and commended the coordination between the different city agencies. Commissioner Sparks also thanked Supervisor Dufty and the Mayor's Office for coming to the Commissioner hearing and doing a presentation. Commissioner Sparks stated that it is her hope to have Halloween next year since it falls on a Friday. Commissioner Sparks also thanked Mr. David Parry for his work and commended the community for getting involved.

Commissioner Sparks also requested an investigation on allegations of threats to businesses about closing Halloween night and asked Chief Fong to follow up on that.

Presentation re: Supervisor Ammiano's Municipal I.D. Legislation

Put over to November 14th.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field announced that the OCC have moved and thanked everyone who was involved with the move.

Commissioner Sparks asked about hiring a litigator to move cases forward. Ms. Field stated that it's been put on hold pending the new Director's arrival at the end of November.

PUBLIC COMMENT
Unidentified discussed concerns.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner Sparks stated that the subcommittee met November 1st and that it was an excellent meeting that was attended by a large number of the public and stated that transcripts will be made of public comments to give the Chief a chance to response and a copy will also be given to the POA. Commissioner Sparks stated that once the transcripts are published, she'd like to forward a copy to the MOCJ and the Board of Supervisor's Committee on Public Safety so that they can read the comments as well because many of the comments refer to things like street lighting and other issues beyond the purview of the Commission and of the Department.

PUBLIC COMMENT
None

PRESENTATION RE: THE DEPARTMENT'S TRAINING WITH RESPECT TO SINGLE ROOM OCCUPANCY (SRO) RESIDENCE

Captain Corriea, Academy, presented the Department's Training with respect to SRO residence.

Officer Nate Steger, Mission Station, gave a brief overview about Landlord/Tenant Dispute training.

Commissioner Sparks thanked Captain Corriea for his leadership in this issue.

Commissioner Campos stated that it is important to hear from the SRO community and enhance communication between the Department and the SRO community.

Commissioner DeJesus thanked Captain Corriea and Officer Steger for the presentation.

Commissioner Lee asked about tenant disputes. Captain Corriea stated that throughout the recruits' time in the Academy they are trained on how to settle disputes and stated that dispute resolution are what peace officers are trained from beginning to end at the Academy.

Commissioner Sparks asked if the new general order on Language Access is part of the training. Captain Corriea stated that the Academy is in the beginning stages on implementing the general order.

PUBLIC COMMENT
Marlon Crump stated that police conduct was not included in the presentation and hopes that it can be included in a general order.

Commissioner Sparks thanked Mr. Crump for his involvement in this issue.

Meesha Irizarry discussed concerns of police misconduct in SROs.
Unidentified discussed concerns.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.09, "DEPARTMENT AWARDS"

Continued for two weeks.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "BYRNE 2007 DISCRETIONARY GRANT PROGRAM; BJA - TARGETING VIOLENT CRIME INITIATIVE"

Motion by Commissioner Campos, second by Commissioner DeJesus to recuse Commissioner Veronese. Approved 6-0.

Motion by Commissioner DeJesus, second by Commissioner Marshall to recuse Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT
None

Motion by Commissioner Lee, second by Commissioner DeJesus. Approved 5-0.

RESOLUTION NO. 90-07

APPROVAL OF THE CHIEF'S REQUEST URGING THE COMMISSION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "BYRNE 2007 DISCRETIONARY GRANT PROGRAM; BJA - TARGETING VIOLENT CRIME INITIATIVE"

RESOLVED, that the Police Commission hereby asks the Board of Supervisors for approval to accept and expend funds from the U.S. Department of Justice, Bureau of Justice Assistance (BJA), and any augmentations, extensions and modifications, to implement the "Byrne 2007 Discretionary Grant Program; BJA - Targeting Violent Crime Initiative."

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee
RECUSED: Commissioners Mazzucco, Veronese

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "ANTI-GANG INITIATIVE/PROJECT SEARCH & RESCUE PROGRAM"

Motion by Commissioner Campos to recuse Commissioners Mazzucco and Veronese, second by Commissioner DeJesus. Approved 5-0.

PUBLIC COMMENT

None

Motion by Commissioner Lee, second by Commissioner DeJesus. Approved 5-0.

RESOLUTION NO. 91-07

APPROVAL OF THE CHIEF'S REQUEST URGING THE COMMISSION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "ANTI-GANG INITIATIVE/PROJECT SEARCH & RESCUE" PROGRAM

RESOLVED, that the Police Commission hereby asks the Board of Supervisors for approval to accept and expend funds from the Governor's Office of Emergency Services (OES), and any augmentations, extensions and modifications, to implement the "Anti-Gang Initiative/Project Search & Rescue Program."

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee
RECUSED: Commissioners Mazzucco, Veronese

APPROVAL OF THE MINUTES FOR THE MEETINGS OF OCTOBER 10, 2007 AND OCTOBER 17, 2007

Motion by Commissioner DeJesus, second by Commissioner Campos. Approved 7-0.

PUBLIC COMMENT
None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that there will be no meeting on November 21st and on November 28th the meeting will in the Park District at the Grattan Elementary School, 165 Grattan Street, at 6:00 p.m.

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Campos asked if safety on Muni be agendized and a presentation regarding enforcement of cannabis laws as the lowest priority for the Department.

Commissioner Lee would like an update on the juvenile DGO and an update on SROs.

Commissioner DeJesus would like a presentation on the role of the Department on gang injunctions. Commissioner DeJesus would like funding for outreach.

Commissioner Sparks would like a consolidated lists from each Districts of CBOs.

PUBLIC COMMENT
Steve Johnson would like to discuss the lieutenant's list.

Commissioner Mazzucco would like that issue be placed on the agenda.

Commissioner DeJesus would like the issue of policy analyst and recruitment and retention.

ADJOURNMENT

Motion by Commissioner Veronese, second by Commissioner DeJesus. Approved 7-0.

Thereafter, the meeting was adjourned at 10:22 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

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Vice President

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Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 14, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Presentation re: Supervisor Ammiano's Municipal I.D. Legislation

11-14-07A01:32 RCVD

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on current OCC cases and OCC investigators' caseload (Keane Report)
   c. Presentation of 3rd Quarter 2007 Statistical Report
   d. Presentation of 3rd Quarter 2007 Early Warning System Report

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4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

5. Discussion and possible action to adopt revised Department General Order 3.09, "Department Awards" (ACTION ITEM)

6. Presentation of the Foot Patrol Pilot Program Evaluation Interim Report (DISCUSSION ONLY)

7. Approval of the minutes for the meeting of October 24, 2007 (ACTION ITEM)

8. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary case no. C07-154 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

9. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM.505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 14, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(CLOSED SESSION)
Roll Call.

10. Public Comment on all matters pertaining to Closed Session.

11. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

12. Closed Session

    a. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
    Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 007-005).

(Reconvene to **Open Session**)

13. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

14. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Park District, at Grattan Elementary School, 165 Grattan Street, San Francisco, at 6:00 p.m., on Wednesday, November 28, 2007, to hear comments from the public and Park Station Captain John Ehrlich concerning public protections issues in the Park District.

SAN FRANCISCO POLICE
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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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NOVEMBER 14, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:49 p.m. , in a Regular Meeting.

PRESENT: Commissioners Sparks, Campos, Lee, Mazzucco, Veronese
ABSENT: Commissioner Marshall, DeJesus

(Commissioner Campos arrived at 6:05 p.m.)

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Presentation re: Supervisor Ammiano's Municipal I.D. Legislation

Taken out of order

Chief Fong introduced Captain McDonagh who presented Certificates of Appreciation to Mr. Mike Wearing and Mr. Billy Munch for their help in an incident involving Sgt. Mitchell. Captain McDonagh introduced Ms. Lisa Ong, Mayor's Office, who presented Certificates of Honor to Mr. Wearing and Mr. Munch.

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Captain Williams, Richmond, presented a Certificate of Appreciation to Ms. Elizabeth Surtzer for helping a stabbing victim. Ms. Lisa Ong, Mayor's Office, also presented a Certificate of Honor to Ms. Surtzer.

Commissioner Sparks thanked the recipients for their actions. Commissioner Veronese thanked the recipients for their actions. Chief Fong thanked the recipients for their actions.

Ms. Surtzer addressed the Commission and stated that it is very important to be educated and stated that she took NERT training because you will never know when it will happen.

PUBLIC COMMENT

Barry Toronto, Cab Driver, discussed concerns regarding a 10B officer working at the Hilton Hotel on O'Farrell Street and discussed concerns regarding the Oracle Convention and illegal limousines working the convention.

Jeanette Berger commended the police for doing a good job on Halloween night, and commended officers from Taraval Station for helping her with a mis-delivered package.

Unidentified discussed concerns regarding Globetrotter Inn and harassment and allegation of assault and battery by the manager.

Steve Johnson, POA, discussed concerns regarding the Lieutenant's list and vacancies not being filled and asked that it be scheduled for a hearing.

Inspector Frank Lee, Sex Crimes Detail, discussed concerns regarding homicides and the homicide interview protocol.

CHIEF'S REPORT (continued)

a. Update on significant policing efforts by Department members
b. Presentation re: Supervisor Ammiano's Municipal I.D. Legislation

Deputy Chief Tabak briefed the Commission regarding drug-related homicides in the Tenderloin District and talked about three operations by the Narcotics Division and Gang Task Force made a number of drug bust culminating over 300 arrests in a 3 ½ month period. Chief Tabak stated that the latest operation ended with 104 arrests with only 36 that are San Francisco residents. Chief Tabak also talked about firearm seized from the street.

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Commissioner Sparks stated that there has been a noticeable decline in the obvious drug activities that are going on in the Tenderloin and thanked the Chief and the officers involved.

Commissioner Campos would like a breakdown of violent crimes in terms of neighborhoods around the city. He also would like it broken down by ethnicity.

Commissioner Mazzucco thanked Chief Tabak and commended Captain Cashman for his leadership in Operation Search & Rescue.

Commissioner Lee asked that the homicide report be broken down into categories of crimes of passion or crimes of opportunity et cetera so that the Department can look at what can be prevented.

Commissioner Veronese would like input as to why there is an increase in homicides.

Chief Tabak stated that questions raised will be addressed at his next year-end Homicide presentation in January.

Commissioner Sparks asked where the Department is as far as by neighborhood breakdown of part one crimes. Deputy Chief Keohane stated that the Park District will be in the Commission's packet next week.

Deputy Chief Keohane gave a brief overview of the Municipal I.D. Cards Legislation passed by the Board of Supervisors yesterday. Chief Keohane stated that the legislation, presented by Supervisor Ammiano, was due to the fact that many residents of the City and County of San Francisco, such as children, youth, elderly, homeless, immigrants, students, and transgender individuals lack of official government-issued identification. Without accepted forms of identification, the city residents are not able to participate in a number of services such as opening a back account or getting a library card. Chief Keohane stated the process will go into place nine months after the effective date.

Commissioner Sparks asked how does the Department verify the authenticity of the document that was used at the Clerk's office or does the Department verify because there seems to be an opportunity for abuse of this system. Chief Keohane stated that that will be part of discussions with the County Clerk.

Commissioner Veronese asked if the Feds could come in and ask for information and know where these immigrants are living just by issuing a subpoena. Chief Keohane stated that he is not sure at this time and that it has to be addressed in the discussion process.

Commissioner Campos stated that there is a limit as to how much information the database will maintain. He also asked about training for officers in use of the I.D. cards. Chief Keohane stated that there will be a department bulleting outlining the relevant sections of the legislation and providing video roll call lesson plans.

Chief Fong introduced Deputy Public Defender Jennifer Johnson and Assistant District Attorney Lisa Coggan to give a brief overview about the Behavioral Health Court and the first award ever presented. Ms. Coggan talked about the Health Court and introduce Ms. Johnson who talked about the Behavioral Health Court and talked about the actions of Officer Apodaca.

Commissioners Veronese, Campos, and Mazzucco thanked Officer Apodaca, Ms. Johnson, and Ms. Coggan for a job well done.

PUBLIC COMMENT

Selma Johnson discussed concerns regarding municipal I.D.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Status Report on current OCC cases and OCC investigators' caseload (Keane Report)

c. Presentation of 3rd Quarter 2007 Statistical Report

d. Presentation of 3rd Quarter 2007 Early Warning System Report

Ms. Jean Field, Interim OCC Director, presented the OCC reports. Ms. Fields announced that as of November 26th, Ms. Joyce Hicks will take over as the new OCC Director.

Commissioner Sparks thanked Ms. Field for taking the job of interim OCC Director.

Commissioner Campos and Commissioner Lee thanked Ms. Field for the work that she has done as interim OCC Director.

PUBLIC COMMENT

Steve Johnson, POA, discussed concerns regarding prioritizing cases and asked the Commission to look at the reports in regards to investigative hearings, pending cases, and unwarranted action complaints.

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

None

PRESENTATION OF THE FOOT PATROL PILOT PROGRAM EVALUATION INTERIM REPORT

Put over to December 5th at the request of Commissioner Marshall so that he could be present.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.09, "DEPARTMENT AWARDS"

Deputy Chief Keohane presented Department General Order 3.09, Department Awards. Chief Keohane stated there is one issue that is unresolved, and that is the OCC wants a clause to the general order which states, "The Commission shall consider OCC complaints arising from the incident for which an officer is being considered for an award." Chief Keohane stated the Department feels that the proper place for this is not within the general order but rather within the Police Commission Rules and Procedures. The Department recommends that rather this be place in the general order, the Commission meet to decide what criteria the Commission would like to review before approval of the general order and place that in the Commission's Rules and Procedures.

Commissioner Campos stated that he agrees with OCC and that it be codified in the DGO. He also asked that language be added that the Commission receives the information.

Commissioner Lee asked where the monetary awards come from and asked if outside funding can be solicited.

Commissioner Mazzucco stated that for the Commission to consider just a complaint, which is merely an allegation and it is not a finding, is leading

to a dangerous path in making the considerations and puts the OCC in a difficult spot where if they turn over documents to the Commission and discuss the matter with the Commission, the OCC may be making a premature decision before their investigation is completed. Commissioner Mazzucco stated that for this language to be included in the DGO and with the language "shall," Commissioner Mazzucco stated that he does not feel comfortable for that to be in the DGO and is probably not appropriate for the Commission which will eventually deciding whether or not there is proper or improper conduct and suggested that it be left out of the DGO.

Commissioner Campos stated that if there is no process that requires that certain things be considered, there is the possibility that it won't be considered.

Commissioner Sparks asked why is it only the incident for which the officer is being considered for the award and not any other incident the officer might have received a complaint on. Ms. Field stated that the intent of the proposal was to codify what had been past practice. Ms. Field stated that the Commission never reviewed any of the complaint files and it wasn't an intent to put the Commission into a situation of pre-judging or precluding themselves from disciplinary process later. Ms. Field also stated that as to being restrictive, this wasn't to preclude officers who have bad disciplinary histories from being awarded a medal of valor if they had in fact earned such a medal. Ms. Field stated that there is no intention to mix the awards process with the disciplinary process in any way.

Commissioner Sparks stated that there is a process now for officers who have Commission or MCD/OCC charges and the Commission looks at that prior to moving any commendation forward. Commissioner Sparks stated that it is wrong to give officers an award for something that they may be charged but this is a general order which describes the process and the boundaries around which medals are awarded and Commissioner Sparks stated that it is mixing items by putting the language as part of the general order as opposed to a rule or regulation that is a policy of the Commission. The policy of the Commission now is that they are vetted and that if officers are on that list, the Commission continues the nominations until such time the allegations have been satisfied one way or the other. Commissioner Sparks stated that they are not taken off the list. There is a policy in place and that it should continue as a policy as opposed to part of the general order but it does have to be codified in a policy and that could be done in a resolution or some type of Commission document other than a department general order and that would be a more practical way to address this issue.

Commissioner Campos asked why is the language that's being proposed should be outside the general order but there's language in there that talks about the Police Commission. Chief Keohane stated that the language that is in the general order is more of a policy statement on what the Commission should do.

Commissioner Sparks stated it is a good idea to seek outside donations for the awards. Chief Fong stated that she will research how funding can be donated to the city to supplement the awards and asked that while she is doing that, Chief Fong asked that the City continue to allow for the provision of additional award of part of the salary or up to one month salary.

Commissioner Lee stated that she would have her intern to work with the Chief to look into the Department's need for outside support.

Motion by Commissioner Campos that language recommended by the OCC be added to the proposed language. Second by Commissioner Lee.

PUBLIC COMMENT

Steve Johnson stated that the general order that's before the Commission has not been reviewed by the POA and stated that it is a meet-and-confer item and discussed concerns regarding actions by the OCC and stated that the POA do not agree with this policy change that the OCC is trying to push with the DGO.

Selma Johnson discussed concerns.

Deputy Chief Keohane stated that there was a meet-and-confer with the POA and the POA did sign off on the order as presented to the Commission by the Department but there was no meet-and-confer with the POA with the additional clause.

Amended motion by Commissioner Campos to consider the change as modified by the OCC and if that change passes then it will be sent back for meet-and-confer and if it does not pass the Commission will move the order forward as is. Second by Commissioner Lee

AYES: Commissioners Campos, Lee
NAYS: Commissioners Mazzucco, Sparks, Veronese

Motion by Commissioner Mazzucco to move the general order as originally submitted. Second by Commissioner Veronese.

AYES: Commissioners Mazzucco, Sparks, Veronese
NAYS: Commissioner Campos, Lee

Motion fails.

Deputy City Attorney Stump stated that the Commission did not the votes to adopt any motion or take official action on this item tonight and stated that the Commission can calendar the item again in the future for further consideration.

Commissioner Sparks stated that this item will be recalendared and asked that the OCC work with the Department in submitting that recommendation back into the meet-and-confer process.

DGO 3.09 will be continued to December 5th.

APPROVAL OF THE MINUTES FOR THE MEETING OF OCTOBER 24, 2007

Motion by Commissioner Mazzucco, second by Commissioner Lee. Approved 5-0.

COMMISSION ANNOUNCEMENTS

a. **Assignment of disciplinary case no. C07-154 ALW to an individual Commission for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 92-07, Assigned to Commissioner Thomas Mazzucco)

Sergeant Reilly announced that on Wednesday, November 28th, the Commission will meet in the Park District, at Grattan Elementary School, at 6:00 p.m. There will also be no meeting next week.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Campos would like to revisit the priority list.

Commissioner Sparks would like to calendar the schedule for community meetings.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Selma Johnson discussed concerns.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Mazzucco. Approved 5-0.

CLOSED SESSION (7:58 p.m. to 8:20 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police - Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 007-005).**

(Present: Commissioners Sparks, Lee, Mazzucco, Veronese, Chief Fong, Deputy City Attorney Stump, Sergeant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Lee, second by Commissioner Mazzucco for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Veronese, second by Commissioner Lee. Approved 4-0.

Thereafter, the meeting was adjourned at 8:25 p.m.

_____

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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The Commission will not meet on Wednesday, November 21, 2007.

Please join the Commission at its next meeting on Wednesday, November 28, 2007, at 6:00 p.m., in the Park District, at Grattan Elementary School, 165 Grattan Street, San Francisco.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 28, 2007
6:00 p.m.

PARK DISTRICT
Grattan Elementary School
165 Grattan Street (between Cole & Shrader Streets)
San Francisco, California

Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

3. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

5. Commission Announcements (DISCUSSION ONLY)

6. Captain John Ehrlich, Commanding Officer of Park Station, to address the Commission on Police Activities in the Park District (DISCUSSION ONLY)

7. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

8. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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The proceeding will be held at: Grattan Elementary School, 165 Grattan Street

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NOVEMBER 28, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Park District, at Grattan Elementary School, 165 Grattan Street, San Francisco, at 6:25 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese

(Commissioner Veronese arrived at 7:13 p.m. Commissioner Lee was excused at 7:29 p.m. Commissioner Campos was excused at 8:45 p.m.)

Commissioner Sparks welcomed the audience and asked the Commissioners to introduce themselves. Commissioner Sparks also introduced new OCC Director Joyce Hicks.

PUBLIC COMMENT

Daniel Landry, African American Police Relations Board, discussed concerns regarding boundary between Northern and Park Stations and asked for serious dialogue between the community and the police.

Marva Brooks, retired city employee & Western Addition resident, stated that Northern and Park Stations do work together and that the community is so much better since the new captain took over. She stated that everything starts in the home and make the children respect the police as a person and then as a police officer. She stated that the Western Addition has changed and commended women who lives at King Garvey.

Allen White discussed concerns regarding patrol specials who look and act like a police officer and concerns of patrol specials impersonating police officers and asked that this issue be addressed.

Carmen Johnson commended Captain Ehrlich, Sgt. Shiff, and officers who work around King Garvey and the Western Addition and working with the community and continuing to work with the community.

Unidentified commended Captain Ehrlich for taking a stand on liquor at the Haight Street Fair.

Jonathan Rogers discussed concerns regarding being ejected from his room by a patrol special and discussed concerns regarding actions by patrol specials. Commissioner Campos asked if a complaint has been filed. Mr. Rogers stated yes. Commissioner Mazzucco asked if the patrol special identified himself as a police officer. Mr. Rogers stated that he was told that this person was a police officer and was wearing a star.

Linda Yokum, MLK/Garvey Housing and Board President, thanked Captain Ehrlich and Sgt. Shiff for working with the community and giving the community a hand and commended all the services received at MLK/Garvey Housing Community.

David Cally, Cole Valley, commended Captain Ehrlich and his staff for their work in the neighborhood and commended Officer John Edwards for the way he deals with kids in the community.

Selma Johnson discussed concerns.

Unidentified discussed concerns regarding no help for people who are poor and discussed concerns regarding her possessions.

Supervisor Mirkarimi addressed the Commission and commended the great work by Park and Northern Stations and stated that the community has seen a respite of violent crimes due to the collaboration of the community and the Police Department.

Commissioner Veronese arrived at 7:13 p.m. and introduced himself.

CHIEF'S REPORT

a. Review of Recent Activities

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Chief Fong introduced the command staff. Present were Deputy Chief Shinn, Deputy Chief Keohane, Deputy Chief Craig, Commander Harper, Commander Tacchini, and Commander Lynch.

Chief Fong informed the Commission that the Department has hired a Chief Information Officer. Chief Fong also briefed the Commission regarding the current budget situation that the City is facing. Chief Fong stated that she will provide additional updates regarding the budget in next week's meeting.

Commissioner Campos asked about homicides. Chief Fong stated that there is an increase in homicides and a little bit of an increase in arsons.

Commissioner Sparks asked if the eight percent decrease in the budget going to affect the number of officers that are on the streets or the number of officers that can go through the academy to be able to sustain the reduction in violent crimes. Chief Fong stated that that's a key area that the Department has to fight for and that the Department needs to be very clear on the goals it needs to accomplish.

Commissioner Campos stated that he will be introducing a resolution for the Controller's Office to do a study in civilianizing the Department.

PUBLIC COMMENT

Daniel Landry discussed concerns regarding finding information about the OCC and discussed concerns about rise in violence.

Margaret Brooks talked about programs for the youth like a cadet program or internship program.

Commissioner Sparks asked about discussions with the school district in regards to cadet programs or ROTC. Chief Fong stated that she will follow up with discussions and stated that the Department has the Police Activities League Cadet Program for kids in high school and stated that in the last application process, there were 33 applicants.

Commissioner Sparks would like a letter sent to the school board on behalf of the Commission asking to set up a meeting in regards to the cadet program.

Commissioner Veronese stated that he had a conversation with Mr. Sanchez at the School Board when this issue first came up and stated that there was little interest at that time but it would be nice to have the Commission as a whole to send a letter to the School Board.

PUBLIC COMMENT

Unidentified discussed concerns regarding obstruction of justice.

Supervisor Mirkarimi talked about bringing the school district, city college, and the Board of Supevisors to get a budgetary commitment to support a JROTC program.

Unidentified asked about the citizen's academy.

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Ms. Joyce Hicks, OCC Director, introduced herself and talked about the function and responsibilities of the OCC.

Commissioner Veronese welcomed Ms. Hicks.

PUBLIC COMMENT

Daniel Landry welcomed Ms. Hicks on behalf of the community and talked about a satellite OCC office in the most impacted communities.

Unidentified discussed concerns regarding her possessions and suggested accessibility for the OCC.

Unidentified discussed concerns regarding police availability and lack of response from the police.

Selma Johnson discussed concerns.

CAPTAIN JOHN EHRLICH, COMMANDING OFFICER OF PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT

Captain Ehrlich addressed the Commission on police activities in the Park District and talked about the demographics of the district.

Commissioner Marshall asked Captain Ehrlich how he was able to get the community on his side. Captain Ehrlich stated that it starts with listening to what people have to say and asking people what they want and how they want it because different communities want different styles of community policing. Captain Ehrlich stated that having officers out there and having the same officers in the same beats make a difference.

Commissioner Campos thanked the Captain and his officers for their attendance in the meeting. Commissioner Campos asked about the homeless citations and asked if it is an effective use of resources. Captain Ehrlich stated that it is vital for the life of the city that people feel safe walking down the street. He stated that long time residents of Haight Street were feeling unsafe and intimidated. Captain Ehrlich stated that it is important to make sure that the rules of civilization are there because once people stop feeling safe, the go somewhere else to shop and the small businesses suffer.

Commissioner Campos asked what triggers the citation. Captain Ehrlich stated that what triggers the citation is a violation of the law. Captain Ehrlich stated that the homeless are not targeted except for violations of the law. Commissioner Campos asked for a discussion on what the Department is doing in response to the homeless.

Commissioner Mazzucco thanked Captain Ehrlich and his staff for their work in the Park District.

Commissioner Veronese stated that Department should reach out to the community and commended Captain Ehrlich for his work in the district.

PUBLIC COMMENT

None

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Report

Commissioner Marshall talked about his trip to South Africa and stated he attended a meeting with the oversight body of the Cape Town Police Department. Commissioner Marshall also presented Commissioner Sparks with an agenda from the Civilian Oversight Commission of Cape Town.

COMMISSION ANNOUNCEMENTS

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Campos would like a discussion on the homeless issue.

Commissioner Veronese would like a resolution in regards to Megan's Law.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Veronese. Approved 6-0.

Thereafter, the meeting was adjourned at 8:50 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 5, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Public Comment
   (Members of the public may address the Police Commission for up to three minutes on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Budget Update

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3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Commission Reports (DISCUSSION ONLY)
   a. Commission President's Report
   b. Commissioners' Reports

5. Discussion and possible action to adopt a resolution in support of the Board of Supervisors' Resolution urging the Attorney General to clarify how Penal Code 3003 and the transient provision in Penal Code 290 apply to Jessica's Law (Proposition 83) (ACTION ITEM)

6. Approval of the minutes for the meetings of November 7th and 14, 2007 (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of an Appeal of the Chief's Suspension in case no. D07-012 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)
   a. Discussion re: The Commission's Priority List

(CLOSED SESSION)
Roll Call.

9. Public Comment on all matters pertaining to Closed Session.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
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YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 5, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

10. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

11. Closed Session

    a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
    CONFERENCE WITH LEGAL COUNSEL
    Frederick Schiff, et al. v. CCSF, et al, USDC No. C03-4345

    b. Pursuant to Government Code sections 54957(b), and S.F. Administrative Code sections 67.10(b), Penal Code 832.7:
    Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Disciplinary Case No. C03-190 JWA, and adopt Written Findings (ACTION ITEM)

    The following time limits will apply:
    Charged officer's opening argument: up to ten (10) minutes
    Department's opening argument: up to ten (10) minutes
    Charged officer's closing argument: up to five (5) minutes

(Reconvene to OPEN SESSION)

12. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

13. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b). (ACTION ITEM)

14. Approval of Consent Calendar (ACTION ITEM)
    a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
    Frederick Schiff, et al. v. CCSF, et al, USDC No. C03-4345

15. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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DECEMBER 5, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:58 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese
ABSENT: Commissioner DeJesus

(Commissioner Campos arrived at 6:33 p.m.)

PUBLIC COMMENT

Luisa, SF resident, street performer, discussed concerns regarding actions of Officer Cunnane.

Francisco Dacosta discussed concerns regarding MLK incident and incident on Thanksgiving Day.

Alicia Schwartz, People Organized to Employment Rights, discussed concerns regarding house invasion incident by the police on Thanksgiving Day and discussed concerns regarding the Gang Task Force.

Joanne Abernathy, victim and 40-year resident of Bayview, discussed concerns regarding actions of police officers on Thanksgiving Day.

Larry Lattimore, SF resident, discussed concerns regarding gang injunctions.

Laura Calderon, POWER, (through interpreter) expressed support for Ms. Abernathy and discussed concerns regarding police brutality.

Malachi Garza discussed concerns regarding Thanksgiving Day incident.

Steve Williams, Executive Director POWER, discussed concerns regarding Thanksgiving Day incident and implementation of gang injunctions.

Crea Gomez appeared in support of family who was victimized on Thanksgiving Day and discussed concerns regarding gang injunctions.

Meesha Irizary discussed concerns regarding gang injunctions.

Chrissie, POWER Youth Organizer, expressed support for Ms. Abernathy and discussed concerns regarding gang injunctions.

Christopher Mohammed, President African-American Community Police Relations Board, expressed support for POWER and expressed concern regarding Thanksgiving Day incident and the Gang Task Force.

Maria, Acorn member, expressed support for POWER, and expressed concern regarding Thanksgiving Day incident.

Jim McQueen, President of Juvenile Probation Commission and founding member of African American Community Police Relations Board, asked that officers involved be taken off the streets.

Daniel Muhammed, African American Community Police Relations Board, discussed concerns regarding gang injunctions.

Darren Brown (POWER) discussed concerns regarding Thanksgiving Day incident and asked that officers be taken out of the community.

Unidentified discussed actions of police.

Daniel, POWER, discussed concerns regarding Thanksgiving Day incident and stated that he was a witness to the incident.

Tanisha Wall, niece of Ms. Abernathy, discussed concerns regarding family being harassed by the police and asked that officers be taken off the street.

Gloria Esteva (POWER) (through interpreter) stated that that is not how to treat a woman in her own home and stated that things need to be done and things need to change.

Unidentified (through interpreter) discussed concerns regarding the children being afraid of the police.

Emma, POWER, discussed concerns and anger regarding Thanksgiving Day incident.

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Damone Hale expressed anger and discussed concerns regarding gang injunctions and asked that something must be done.

Jess Tello asked that this incident be investigated.

Laticia Anderson, victim's daughter, discussed actions of police and stated that her cousin was beat up by police.

Chantelle, mother of child of arrested person, discussed concerns regarding Thanksgiving incident.

Sara discussed concerns and stated she is disgusted by police.

Unknown expressed support for Joanne Abernathy and asked that an investigation be started.

Selma Johnson discussed concerns.

Unknown , native Californian, discussed concerns regarding actions of police.

Commissioner Sparks asked that the Chief report to the Commission, in Closed Session, to update the Commission in regards to this incident. Commissioner Sparks also asked the Chief to report to the Commission in regards to the Gang Task Force.

Commissioner Veronese stated that there should be a way to monitor such matters.

Commissioner Campos asked if there is a formal investigation about this incident. Ms. Hicks, OCC Director, stated that there is a formal investigation that is on the way and that this incident has been given the highest priority.

Commissioner Sparks announced that the Board of Supervisor's Public Safety Committee is holding a hearing on Monday in regards to Gang Injunctions.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Budget Update

Chief Fong introduced Mr. Ken Bukowski of the Fiscal Division. Mr. Bukowsky presented the budget update.

Commissioner Lee requested that a letter be sent to the Mayor and the Board of Supervisors regarding the budget.

Commissioner Sparks agreed with Commission Lee and hopes that the OCC budget will reflect the staffing required by the Controller's audit.

Commissioner Campos asked Mr. Bukowski as to when in the process should the Commission discuss its own budget. Mr. Bukowski stated that the Commission should begin having discussions from this point and be prepared by mid January to have a discussion with him.

Commissioner Campos also asked about funding for things like cultural competency training, recruitment funding, the issue of foot patrols, and budget impact as a result of the new language access DGO. Mr. Bukowski stated that part of what the new budget process asks is that each of the experts within each bureau of the Department to provide to the Fiscal Office what the budget requests are for their unit.

Commissioner Veronese asked what component of the budget is dealing directly with fixing relationships with certain parts of the community where relationship has been strained. Chief Fong stated that when it comes to cultural sensitivity and competency, the language abilities to improve communication, that is one piece of it but in terms of interacting with the

community it is hard to say the x amount of dollars because officers are expected to do it daily.

Commissioner Veronese suggested a specific budget item that will addressed bonding relationship with certain communities in the city. Chief Fong stated she would like more conversations with the Commissioner in regards to what he wants done.

Chief Fong introduced Mr. Mark Rinkel the new Chief Information Officer for the Department.

Chief Fong also reported on Supervisor Sandoval's proposed legislation in regards to towing vehicle and on Supervisor McGoldrick's proposed legislation on directing the Department to low level enforcement of prostitution laws. Commissioner Veronese expressed concern regarding the Board legislating law enforcement and stated that some of the ideas should be coming from the Department.

Commissioner Sparks also talked about Supervisor Dufty's request on a study in tracking handguns and stated that the study is done and that the Commission will review and have a public hearing in the near future.

Commissioner Campos thanked Captain Corriea and the Academy staff for meeting regarding tenant rights.

PUBLIC COMMENT

Unidentified discussed concerns regarding trusting the police.
Jeanette Berger discussed concerns regarding driver's license.
Sylvia Johnson discussed concerns.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Hicks reported that she's in the process of conducting one-on-one interviews with the staff to determine how their duties align with the mission of the OCC to conduct timely, unbiased and effective investigations. Director Hicks also updated the Commission on the OCC budget and stated that she will aggressively advocate for the OCC budget.

Commissioner Campos suggested that a letter be sent to the Mayor and the Board of Supervisors in regards to the OCC budget.

PUBLIC COMMENT

Unidentified discussed concerns and asked for free phone calls to the OCC.
Sylvia Johnson discussed concerns.

COMMISSION REPORTS

a. Commission President's Report
b. Commissioners' Reports

Commissioner Sparks reported that she met with the Chief on items that will be discussed with the Commission. One is a technology overview on the justice system and EIS. In addition to the Supervisors requests, she asked the Chief for a report on how the Department handles 5150s and how that procedures relates to procedures under Laura's Law and whether there's a correlation between 5150s are handled now and how Laura's Law has been written under state law and whether or not a similar procedure could be adopted to enforce that. Commissioner Sparks also stated that the Commission will be presenting a resolution in regards to Commission Bulletins. Another resolution is directing civil complaints to the OCC for investigation.

Commissioner Sparks also stated that she met with Mr. Delagnes to start biweekly meetings starting in January.

Commissioner Sparks also asked for volunteers to consider two different items in the Commission. One is taking responsibility for case management for cases pending and keeping track of time frames and different hearings and assisting Sgt. Reilly in getting the various lawyers together. The other is to oversee the overall Department budget.

Commissioner Sparks also stated that she asked the Chief to report on the DTIS Safety Cameras and a report from the City Attorney on public access to film footage.

Commissioner Marshall talked about the transcripts from the last subcommittee meeting. Commissioner Sparks asked that a copy be sent to the Chief and the station captain. Chief Fong stated she will take a look at it and will talk to the Captain and maybe in a week or two will report back to the Commission.

Commissioner Sparks asked that once responses from the Chief and the Captain is received to forward copies of responses and the transcripts to MOCJ and the Board's Committee on Public Safety.

PUBLIC COMMENT

Unidentified discussed concerns regarding help for the community.

Sylvia Johnson discussed concerns.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THE BOARD OF SUPERVISORS' RESOLUTION URGING THE ATTORNEY GENERAL TO CLARIFY HOW PENAL CODE 3003 AND THE TRANSIENT PROVISION IN PENAL CODE 290 APPLY TO JESSICA'S LAW (PROPOSITION 83)

Commissioner Veronese presented the resolution.

Commissioner Lee expressed concerns regarding if individuals cannot register as transients, where do these individuals go. Commissioner Veronese stated that all the resolution is saying is that for these individuals to tell the Department where they leave and that they are not hiding under the transient policy.

Commissioner Campos stated there are larger policy issues and this approach is just shifting problems to other jurisdictions and that's why there is a delegation in Sacramento that can make this happen and stated that he does not see the need for the Police Commission to get involve in this matter.

Commissioner Mazzucco stated that the Department needs to track sex offenders because not having them in a place where the 290 Unit can go look see if these people are reoffending is a very dangerous proposition.

Commissioner Sparks stated that from a practical matter, there are about 1300 sex offenders in San Francisco and the Department are not arresting them nor are they being forced to move out of the county. Commissioner Sparks stated that the Department is not enforcing the law as it stands now but the Department do know where they live and the Department's able to keep track of them. Commissioner Sparks stated that all the resolution is saying let's continue that policy of not enforcing the law but at least give the Department the ability to track as many as possible until such time the laws are clarified or the law has made its way to the courts.

Chief Fong clarified that the Department is not enforcing the law in

terms of the Jessica's Law but the Department is enforcing violations of non registration whether it's 30-day or one year. Approved 4-2.

Motion by Commissioner Veronese to adopt resolution with amendments. Second by Commissioner Mazzucco.

AYES: Commissioners Marshall, Mazzucco, Sparks, Veronese
NAYS: Commissioners Campos, Lee

RESOLUTION NO. 93-07

RESOLUTION REQUESTING THE RESCISSION OF CALIFORNIA DEPARTMENT OF CORRECTIONS POLICY 07-48

WHEREAS, the San Francisco Police Commission and the San Francisco Police Department are 100 percent committed to maintaining the safety of all children and families in our City; and

WHEREAS, in 2004, Assembly Bill 488 (Megan's Law) passed the California legislature and was signed into law by the Governor. Megan's Law requires sex offenders to register their true address with local law enforcement agencies; and

WHEREAS, the California Department of Corrections (CDC) issued policy 07-48 notifying parolees (released after November 8, 2006) who are unable to secure housing compliant with Jessica's Law (Prop. 83) to declare themselves transient in order to avoid incarceration; and

WHEREAS, following the issuance of policy 07-48, San Francisco has seen a spike of parolees registering as "transient;"

WHEREAS, knowing the *true* address of residence and location of parolees subject to such registration is in the interest of protecting California children and further assists the San Francisco Police Department to this end; and

BE IT THEREFORE RESOLVED, that the San Francisco Police Commission shall, with permission of the Mayor, issue a letter to the California Department of Corrections requesting a rescission of policy 07-48 as it relates to registering as "transient." The letter shall also request that the CDC enforce *the reporting requirements* of California Penal Code Section 3003, and Section 290;

BE IT THEREFORE RESOLVED, that, with permission of the Mayor, the San Francisco Police Commission forward a copy of said letter and this resolution to the San Francisco County Probation Department, Mayor Newsom, Attorney General Brown, Governor Schwarzenegger, and the San Francisco Delegates to the State Assembly and the Senate;

BE IT FINALLY RESOLVED, that the Chief of Police and any staff directly involved in this important effort report the result back to the Police Commission monthly during the Chief's Report to the Police Commission.

AYES: Commissioners Sparks, Marshall, Mazzucco, Veronese
NAYS: Commissioners Campos, Lee

PUBLIC COMMENT

Unidentified discussed concerns.
Sylvia Johnson discussed concerns.

APPROVAL OF THE MINUTES FOR THE MEETINGS OF NOVEMBER 7TH AND 14, 2007

Motion by Commissioner Campos, second by Commissioner Lee. Approved 6-0.

COMMISSION ANNOUNCEMENTS

a. **Assignment of an Appeal of the Chief's Suspension in case no. D07-012 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.** (Assigned to Commissioner Marshall, Resolution No. 94-07)

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

a. **Discussion re: The Commission's Priority List**

Commissioner Sparks asked the Commissioners to give their priorities to Sergeant Reilly in three weeks.

Commissioner Lee asked that the Richmond meeting be in the inner Richmond.

PUBLIC COMMENT

Unidentified asked what's going to be discussed as far as the agenda is concerned.

Sylvia Johnson discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

CLOSED SESSION (9:50 p.m. - 10:24 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL**
Frederick Schiff, et al. v. CCSF, et al., USDC No. C03-4345

(Present: Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Veronese, Chief Fong, Deputy City Attorney Stump, Deputy City Attorney Guerrero, Sergeant Reilly)

b. **Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Disciplinary Case No. C03-190 JWA, and adopt Written Findings**

(Present: Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Veronese, Deputy City Attorney Stump, Attorney A. Worhsam, Attorney W. McCoy, Sergeant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Lee, second by Commissioner Campos for

non disclosure. Approved 6-0.

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Lee for no report on action taken. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
Frederick Schiff, et al. v. CCSF, et al., USDC No. C03-4345

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

RESOLUTION NO. 95-07

FREDERICK SCHIFF, et al., v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Schiff v. City and County of San Francisco, et al.; Gillespie , et al. v. City and County of San Francisco, et al.; Osuna v. City and County of San Francisco, et al.," in U.S. District Court Case Nos. C-03-4345, C-04-2261, C-04-2262, be, and the same is hereby approved.

Date of Incident: May and August 2003

AYES: Commissioners Sparks, Marshall, Mazzucco, Veronese
NAYS: Commissioners Campos, Lee
ABSENT: Commissioner DeJesus

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner Lee. Approved 6-0.

There meeting was then adjourned at 10:50 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 12, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

12/07
2

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of November 28, 2007

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Gang Task Force Overview
      - Presentation of Citizens Commendation
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Presentation of Interim Report: Perspectives on Foot Patrols: Lessons Learned from Foot Patrol Programs and an Overview of Foot Patrol in San Francisco (DISCUSSION ONLY)

5. Discussion and possible action to adopt a resolution directing the Chief of Police to refer allegations of police misconduct contained in civil suits and claims to the Office of Citizen Complaints and adopt procedures for investigation of those allegations (ACTION ITEM)

(CLOSED SESSION)
Roll Call.

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 12, 2007
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Closed Session

   a. Pursuant to Government Code sections 54957(b), and S.F. Administrative Code sections 67.10(b), Penal Code 832.7:
   Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, C06-187 JCT, and C06-188 JCT, and adopt Written Findings (ACTION ITEM)

   The following time limits will apply:
   Charged officer's opening argument: up to ten (10) minutes
   Department's opening argument: up to ten (10) minutes
   Charged officer's closing argument: up to five (5) minutes

   b. Pursuant to Government Code sections 54957(b), and S.F. Administrative Code sections 67.10(b), Penal Code 832.7:
   Discussion and possible action to grant or deny Motion for Dismissal of disciplinary charges filed in Case No. C03-290 JWA and adopt Written Findings *(The Commission will not hear further argument in this matter.)* (ACTION ITEM)

   c. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police (DISCUSSION ONLY)

(Reconvene to OPEN SESSION)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b). (ACTION ITEM)

11. **Routine Administrative Business** (DISCUSSION ONLY)
    a. Commission Announcements
       - Reassignment of disciplinary charges filed in Case No. C07-154 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
    b. Scheduling of items identified for consideration at future Commission meetings

12. **Adjournment** (ACTION ITEM)

***

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DECEMBER 12, 2007 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:04 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese

(Commissioner Lee arrived at 6:07 p.m. Commissioner Veronese arrived at 8:18 p.m. Commissioner Campos was excused at 7:10 p.m.)

CHIEF'S REPORT

- **Presentation of Citizens Commendation**

Taken out of order.

Chief Fong introduced Captain Casciato who presented Citizens Commendations to members of the public: James Slater, Steven Ice, Robert Crockett, and Robert Simmons.

ADOPTION OF MINUTES

2/07

- **Regular Meeting of November 28, 2007**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 5-0.

PUBLIC COMMENT
None

PUBLIC COMMENT

Daniel Landry discussed concerns regarding gang injunctions and asked that the Commission revisit this matter.

Steve Curry, Outer Mission Residence Association, talked about the Angel Gift Wish List and thanked the POA for giving $2,000 to go towards the Angel Gift Wish List. Mr. Curry also talked about a request for safety cameras on Silver and Mission.

Steve Johnson, POA, asked why the lieutenant's promotional is not on the agenda for tonight's meeting and discussed concerns why appointments are not made.

Barry Toronto, cab driver, discussed concerns regarding Badge No. 4116.

Unidentified discussed concerns regarding taking the officers off the street for the Thanksgiving Day incident.

William Zedd discussed concerns regarding being arrested.

Unidentified discussed concerns regarding incident at the Bayview on Thanksgiving Day and asked that officers be put on administrative leave.

Unidentified discussed concerns regarding Bayview Station.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

The Chief gave a brief update on significant policing efforts by Department members of Mission and Park Stations.

- **Gang Task Force Overview**

Deputy Chief Tabak presented the Gang Task Force overview.

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Commissioner Campos asked how members of the Gang Task Force Unit are selected. Chief Tabak stated that the Department looks for certain level of expertise, gang knowledge, officers that have been in the Department for a bit of time who are experienced with arrests and the process, testimony, the ability to write in addition to lack of complaint history. Chief Tabak stated that what's important is that they've exhibited in their assignment that expertise. They have experience knowledge of violence and gang and gun issue in the districts where they came from. Chief Tabak also stated that it is a unit that is exempt from P1. The make up of the unit are 19 white officers, 10 Asians, 5 Hispanic, 7 African Americans, 2 Filipinos.

Commissioner Lee asked what is the definition of a gang. Chief Tabak stated that any group concerted involved in the furtherance of a crime, that act as a group, that either promote criminal activity in protection of the group, and their motivation is based on the group.

Commissioner Marshall asked if any members of the Gang Task Force was involved. Chief Tabak stated that no members of Gang Task Force was working on Thanksgiving. They were off on a legal holiday.

Commissioner Mazzucco asked about cultural competency. Chief Tabak stated that one of the things that speaks to their expertise is not only the knowledge of gang issues but it's knowledge of the culture; how to work with the community in those cultures to be the most sensitive and most productive.

Commissioner Sparks read a letter from Supervisor Dufty thanking Chief Fong for her involvement supporting the businesses in the Castro.

b. <u>OCC DIRECTOR'S REPORT</u>
- Review of Recent Activities

Director Hicks briefed the Commission on recent activities in regards to staffing and outreach.

c. <u>COMMISSION REPORTS</u>
- Commission President's Report
- Commissioners' Reports

Commissioner Sparks talked about her meeting with the African-American Community Relations Board.

Commissioner Mazzucco thanked Ms. Hicks and her staff in regards to his visit to the OCC. Commissioner Mazzucco also asked that the lieutenant's appointments be calendared and asked that the meeting be adjourned in honor of Sergeant Frank Ryan.

Commissioner DeJesus asked that the topic of gang injunctions be calendared in terms of what the Department's role is and what protocol is in place. Commissioner DeJesus asked for the following: What is the role in selecting or identifying individuals to be considered or placed on the gang injunction list? What policy or rule is in place to prevent arbitrary selection of individuals for the gang injunction list and is the procedure supervised, and if yes, who supervises it, and what criteria does the supervisor use to insure the process is not arbitrary and that the information is up to date and accurate and privacy rights are not being violated. Is the Department using juvenile records to include individuals on the injunction list and if so, why? How is the Department enforcing the gang injunction list and how do people get off this list?

PUBLIC COMMENT

Daniel Landry discussed concerns regarding the Gang Task Force and

asked where the oversight is coming from in the Gang Task Force.

Ms. Abernathy stated that the man that was in her house was part of the Gang Task Force and stated that something needs to be done.

Vivian Donohue stated she has not heard anything from the OCC regarding her complaint and it's been a year.

Darren Brown discussed concerns regarding implementation of the gang injunction.

Nina Donohue discussed concerns regarding an incident that happened in the Well Fargo Bank in the Bayview.

Barry Toronto, cab driver, asked for more transparency and discussed concerns regarding permits.

PRESENTATION OF INTERIM REPORT: PERSPECTIVES ON FOOT PATROLS: LESSONS LEARNED FROM FOOT PATROL PROGRAMS AND AN OVERVIEW OF FOOT PATROL IN SAN FRANCISCO

Ms. Kim Craven, Public Safety Strategy Group, presented the update report on foot patrols.

Mr. Rick Bailey talked about some of the issues that are happening in San Francisco on foot patrols. Mr. Bailey stated that the next step is a meeting with the steering committee on Friday morning and then move towards the final report after the first of the year.

Commissioner DeJesus asked if training in San Francisco will be included in the report. Ms. Craven stated that for the next report they are covering in detail the implementation in San Francisco everything to were policies and procedures put into place, how are officers selected, how are officers trained, how will records track the activities. Mr. Bailey also stated that San Francisco has Police Service Aides that act like cadets from other cities. Mr. Bailey also stated that they are looking at Patrol Specials and what they do.

Commissioner Veronese asked what's next and if the final report will have recommendations. Mr. Craven stated that the next step will be meeting with the Steering Committee to share some of the information gathered about effectiveness of foot patrols and what the committee feels about foot patrols. They will go through in detail as they discuss staffing levels. There will be detailed implementation components. There will be best practices and recommendations and conclusions.

PUBLIC COMMENT

Selma Johnson discussed concerns

Unidentified commended the Controller's Office for taking the survey and getting input from the community.

Unidentified discussed concerns regarding foot patrol.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION DIRECTING THE CHIEF OF POLICE TO REFER ALLEGATIONS OF POLICE MISCONDUCT CONTAINED IN CIVIL SUITS AND CLAIMS TO THE OFFICE OF CITIZEN COMPLAINTS AND ADOPT PROCEDURES FOR INVESTIGATION OF THOSE ALLEGATIONS

Commissioner DeJesus asked if people gets a mark for a complaint in the early intervention system or not since it is not a complaint but an administrative investigation. Ms. Stump, City Attorney, stated that OCC has a set of procedures that will be shared with the Department, the POA, and the Commission. Director Hicks explained that once a claim is filed with the City, that is entered into EIS and will not be double counted when it goes to OCC and given a number.

Mr. Steve Johnson, POA, urged the Commission to not adopt the resolution and that this item be put over.

Commissioner Mazzucco expressed concern that if an officer picks up an OCC complaint because of a claim, that will show up as an OCC complaint but that goes in the officer's personnel file and when it comes for the officer to testify at any trial, it becomes discoverable whether it is sustained or not.

Commissioner Sparks asked that this be re-agendized for January 9th to add language about claim for property damage only and asked Mr. Johnson to draft a language to that effect.

PUBLIC COMMENT

Selma Johnson discussed concerns

Unidentified discussed concerns and stated that the OCC should be involved.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (10:45 p.m. to 10:48 p.m.)

a. **Discussion and possible action to rant or deny Motion for Dismissal of Disciplinary Charges filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, C06-187 JCT, AND C06-188 JCT, and adopt Written Findings**

b. **Discussion and possible action to grant or deny Motion for Dismissal of disciplinary charges filed in Case No. C03-290 JWA and adopt Written Findings**

c. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**

(PRESENT: Commissioners Sparks, Marshall, Lee, Mazzucco, Veronese, City Attorney Stump, Chief Fong
RECUSED: Commissioner DeJesus)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus for non disclosure. Approved 5-0.

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall. No report. Approved 5-0.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commissioner Announcements**

- **Reassignment of disciplinary charges filed in Case No. C07-154 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**

(Resolution 96-07, assigned to Commissioner Veronese)

b. Scheduling of items identified for consideration at future Commission meetings

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Veronese, to adjourn the meeting in honor of retired Sergeant Frank Ryan. Approved 5-0.

Thereafter, the meeting was adjourned at 10:52 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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